

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISIONIN RE: CHANTIX (VARENICLINE)
PRODUCTS LIABILITY LITIGATION
(MDL-2092)

Master File No.: 2:09-CV-2039-IPJ

This Document Relates To ALL CASES,
and is UNOPPOSED by DefendantsINGE PRYTZ JOHNSON,
U.S. DISTRICT JUDGE**PETITION FOR APPOINTMENT OF A
PLAINTIFFS' LEADERSHIP STRUCTURE**

The undersigned counsel, hereinafter referred to as "Movants", hereby submit this Petition For Appointment of a Plaintiffs' Leadership Structure in accordance with the Order Setting Initial Conference entered by the Court on November 9, 2009. Having conferred and come to agreement, Movants are collectively filing this Petition so that it is representative of each and every plaintiff they represent in this litigation. In support of their petition, Movants state as follows:

INTRODUCTION

On October 1, 2009, the Judicial Panel on Multidistrict Litigation issued a Transfer Order for all cases filed in Federal Judicial Districts that share factual issues regarding Pfizer's design, testing, manufacture, and marketing of Chantix (varenicline), a smoking cessation drug alleged to have numerous adverse side effects, including causing suicidal ideation, depression, seizures, memory loss, and/or other mental and physical ailments. On November 9, 2009, this Court issued an Order Setting an Initial Conference for January 25, 2010 that outlined certain preparations for the conference. Pursuant to 1(b)(1) of this Order, the undersigned counsel

conferred via telephone and held a meeting to which all firms involved in both state and federal Chantix litigation were invited to attend. At the time of this filing and to the best of our knowledge, the undersigned counsel are all the firms interested in participating in the Plaintiffs' organizational structure of this litigation. Additionally, the undersigned firms represent over 80% of the Chantix cases on file in state and federal court.

As such, Movants respectfully move this Court to exercise its discretionary authority, consistent with (1) 28 U.S.C. § 1407; (2) the October 1, 2009 Transfer Order issued by the Judicial Panel on Multidistrict Litigation (the "MDL Panel") in these related cases; (3) the Supreme Court's decision in *Lexecon, Inc. v. Milberg, Weiss, Bershad, Hynes & Lerach*, 523 U.S. 26 (1998), and other case law and secondary authorities; and (4) the Federal Judicial Center's MANUAL FOR COMPLEX LITIGATION (FOURTH) (2004), and appoint the fifteen undersigned attorneys to serve as Lead Counsel, Liaison Counsel, Plaintiffs' Executive Committee ("PEC"), Plaintiffs' Steering Committee ("PSC"), and Plaintiffs' State/Federal Liaison Counsel. Accordingly, Movants respectfully submit that this Court should approve of the proposed leadership structure and enter the Proposed Pretrial Order No. 1, attached as Exhibit A.

I. Appointment of a Plaintiffs' Leadership Structure is Critical to the Management and Success of Multi-Party Complex Litigation.

At present there are 48 complaints that have been transferred to this Court. Each of the Complaints contains the same core allegations. As such, there is an immediate need for organization of the parties and the coordination of discovery efforts and motion practice to promote fairness, to avoid unnecessary duplication and ensure the most efficient use of the Court's, and the parties' resources.

“In multi-party, multi-case litigation, the district court's success is largely dependent on its ability to uncomplicate matters.” *In re Recticel Foam Corp.* 859 F.2d 1000, 1004 (1st Cir. 1988). In complex matters such as this, one of the key organizational tools the district court has is to appoint a steering committee of counsel. *See Manual For Complex Litigation* (Fourth) § 10.221 (2004) (suggesting mechanisms to organize counsel and discovery in multi-party litigation); *see also In Re Linerboard Antitrust Litigation*, 292 F. Supp. 2d 644, (E.D. Penn. 2003) (“The multiplicity of suits requires that the district court be allowed to combine procedures, . . . recognize steering committees of lawyers, limit and manage discovery, etc., to minimize expense to all litigants and to provide judicial efficiency.” (citing *In re Showa Denko K.K.*, 953 F.2d 162, 165 (4th Cir. 1992))).

Indeed, in “a case of this magnitude and complexity, it is imperative that counsel be well organized and work efficiently and harmoniously among themselves and with opposing counsel” to avoid additional costs and unnecessary time expenditures as a result of duplicative pre-trial proceedings. *In re Domestic Air Trans. Antitrust Litig.*, 1990 U.S. Dist. LEXIS 20095, at *1 (N.D. Ga. Dec. 21, 1990), *see also* MANUAL § 10.221 (Lead Counsel is to cooperate and work together with Defendant in developing and implementing a litigation plan). Appointment of a Plaintiffs’ Steering Committee led by Lead Counsel and an Executive Committee and coordinated by Liaison Counsel will surely provide such organization and efficiency in this case. After all, the primary purpose of the proposed structure is to preserve and collect evidence and frame, write, argue, and respond to pretrial motions – it simply makes sense for plaintiffs to speak with one voice on these issues rather than having the defendants respond to dozens of plaintiffs’ counsel. Accordingly, in the interest of efficiently litigating these cases and conserving judicial resources, as well as the parties’ resources, this Court should organize

plaintiffs' counsel and appoint the proposed structure for pre-trial proceedings as outlined in the proposed Pretrial Order No. 1.

II. Appointed Counsel Should Have Exemplary Qualifications and Experience.

Appointment of the proposed counsel and the assignment of responsibilities to these positions is consistent with the *Manual's* recommended organizational structure and ultimate goal of achieving "efficiency and economy" in this litigation. *See* MANUAL § 10.221. All counsel appointed by this court are charged with the ultimate responsibility of acting for, and in the best interest of, all plaintiffs throughout pre-trial proceedings by addressing matters of common concern and representing all plaintiffs when discussing such matters with the court and defendants. *See In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*, 2007 U.S. Dist. LEXIS 2650, at *18 (E.D.N.Y. Jan. 12, 2007) (citing MANUAL § 10.221 (2004)). As such, the court must appoint counsel who are fully capable and qualified to represent all parties on their side fairly and adequately.

When determining which counsel should be appointed, it is important for the court to assess the following factors:

- Qualifications, functions, organization, and compensation of designated counsel;
- Would-be designated attorneys' competence for assignments;
- Whether designated counsel fairly represent the various interests in the litigation;
- The attorneys' resources, commitment, and qualifications to accomplish the assigned tasks;
- The attorneys' ability to command the respect of their colleagues and work cooperatively with opposing counsel and the court; and
- The attorneys' experience in similar roles in other litigation.

MANUAL § 10.224. As discussed in the subsequent sections and attached applications, proposed

Lead Counsel, Liaison Counsel, Executive Committee members and PSC members satisfy these factors.

Since all of the transferred cases are brought as individual personal injury actions, the factors that a court is to look to when determining whether lead counsel should be appointed – as set out in the *Manual* – are analogous to the factors weighed by a court under Rule 23(g). In addition to meeting the general principles for complex litigation case management set forth in the *Manual*, Proposed Case Management Order No. 2 complies with Federal Rule of Civil Procedure 23's criteria governing the appointment of lead counsel. In considering the appointment of Class Counsel under Rule 23(g) of the Federal Rules of Civil Procedure, the Court is instructed to evaluate the following factors: 1) the work counsel has done in identifying or investigating potential claims in the action; 2) counsel's experience in handling class actions, other complex litigation, and claims of the type asserted in the action; 3) counsel's knowledge of the applicable law; and 4) the resources counsel will commit to representing the class. Fed. R. Civ. P. 23(g).

As discussed below and in the attached applications in more detail, each of the counsel seeking appointment have a great deal of experience with complex mass tort litigation. These attorneys and law firms have impressive qualifications, a long record of success in complex litigation and a demonstrated willingness to invest substantial resources in the prosecution of complex cases. They have already committed hundreds of hours to this litigation and will vigorously and skillfully represent the interests of the individual plaintiffs. They have already performed extensive legal and factual investigations into the matters at issue in this litigation and have held meetings, given presentations and written articles advising other plaintiffs' attorneys about these issues and the dangers presented by the Defendants' product. Additionally, the proposed Lead Counsel, Liaison Counsel, Executive Committee members, PSC members and

State/Federal Liaison Counsel, by their count, have the largest and diverse number of clients who are involved in this litigation. Therefore, the proposed leadership structure satisfies the factors set forth in the *Manual*.

III. Proposed Plaintiffs' Leadership Structure

The undersigned Plaintiffs submit the following leadership structure:

Plaintiffs' Lead Counsel:	Ernest Cory	Cory, Watson, Crowder & DeGaris, P.C. Birmingham, AL
Plaintiffs' Liaison Counsel:	Joe R. Whatley, Jr.	Whatley, Drake & Kallas, L.L.C. Birmingham, AL / New York, NY
Plaintiffs' Executive Committee ("PEC"):	Ernest Cory	Cory, Watson, Crowder & DeGaris, P.C. Birmingham, AL
	H. Blair Hahn	Richardson, Patrick, Westbrook & Brickman, L.L.C., Mount Pleasant, SC
	Ramon R. Lopez	Lopez, McHugh, L.L.P. Philadelphia/Newport Beach/Moorestown
	W. Mark Lanier	The Lanier Law Firm Houston/New York/Los Angeles/Palo Alto
	Tara D. Sutton	Robins, Kaplan, Miller & Ciresi, L.L.P. Minneapolis, MN
Plaintiffs' Steering Committee ("PSC"):	William M. Audet	Audet & Patners, L.L.P. San Francisco, CA
	Martin Crump	Davis & Crump, P.C. Gulfport, MS
	Clinton B. Fisher	Hanly Conroy Bierstein Sheridan Fisher & Hayes LLP, New York, NY
	Marc D. Grossman	Sanders Viener Grossman, LLP Mineola, NY

David Miceli	Simmons Browder Gianaris Angelides & Barnerd, L.L.C., Carrollton, GA/East Alton, IL
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**State/Federal
Liaison Counsel:**

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Jayne Conroy

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Having this structure in place with these attorneys, who have already devoted substantial time and resources to advancing the litigation, will achieve the goals of efficiency, organization and, ultimately, resolution. Proposed Pretrial Order No. 1 identifies the duties and responsibilities each of these lawyers are willing to undertake.

IV. Information on Leadership Applicants

A. Lead Counsel:

Ernest Cory of Cory, Watson, Crowder & DeGaris, PC, has served in a leadership capacity in managing and resolving numerous mass torts and other complex litigation. Mr. Cory has been practicing law for over twenty-eight years and is the founding shareholder of Cory, Watson, Crowder & DeGaris. The firm specializes in the type of complex mass tort litigation currently in front of this Court. Mr. Cory's practice focuses on medical device litigation, product

liability, toxic tort and pharmaceutical litigation. He has served as lead counsel and co-lead counsel in prior multi-district litigation involving medical devices. His experience and talents in these fields will be directly applicable to this litigation. Mr. Cory has the time and resources to devote to this litigation and is committed to aiding this Court to streamline and effectively litigate these claims on behalf of all federal plaintiffs. Mr. Cory's experience and that of his firm are noted in greater detail in his accompanying Application to Serve as Lead Counsel attached as Exhibit B.

B. Liaison Counsel:

Joe R. Whatley of Whatley Drake & Kallas, LLC is an experienced trial lawyer with a wide-ranging, national practice. Among others, he represents numerous labor unions in the southeast of the United States, financial institutions in deceptive trade practice litigation arising out of the failure of a large retailer to secure confidential cardholder data as required by industry standards, medical societies and physicians in complex class action litigation against the managed care industry, employees in discrimination cases, rice farmers damaged by the contamination of the U.S. long grain rice supply by genetically modified rice traits, and individuals in personal injury and mass tort litigation. Mr. Whatley's experience and that of his firm are set forth in greater detail in his Biography attached hereto as Exhibit C. Mr. Whatley has the time and resources to devote to this litigation and is committed to aiding this Court to streamline and effectively litigate these claims on behalf of all federal plaintiffs.

C. Plaintiffs' Executive Committee and Steering Committee

The attorneys included in this proposed structure have litigated countless complex civil actions and will draw on their combined experiences and resources to zealously represent all Plaintiffs involved in this MDL. As demonstrated by the attached applications (*See Exhibits D-P*), these firms and attorneys have substantial experience and knowledge in litigating mass tort

cases, which will prove essential in the litigation of these cases. They all represent plaintiffs and have agreed to work together for all plaintiffs. Just as importantly, each of these attorneys – from across the country – has demonstrated special talents in their field and will be a resource to be drawn upon during this litigation.

V. Rate of Compensation for Members of Plaintiffs' Leadership Structure

Pursuant to 1(b)(3) of the Court's Order of November 9, 2009, Movants request that the Court allow them to address compensation rates of Plaintiffs' PSC members at a later date. While Counsel will accept any prevailing and reasonable rate set by the Court, the undersigned are unaware of the financial resources and requirements of the litigation at this time. As such, Movants feel that a discussion of compensation is premature at this juncture.

CONCLUSION

Pursuant to the Court's Order Setting Initial Conference entered on November 9, 2009 and for the reasons set forth herein, the undersigned respectfully request that the Court enter the proposed Order appointing Ernest Cory as Lead Plaintiffs' Counsel; Joe R. Whatley as Liason Counsel; a Plaintiffs' Executive Committee comprised of Ernest Cory, H. Blair Hahn, Ramon R. Lopez, W. Mark Lanier and Tara D. Sutton; a Plaintiffs' Steering Committee comprised of William M. Audet, Martin Crump, Clinton B. Fisher, Marc D. Grossman, Dave Miceli, David Ratner, Kristian Rasmussen, Shay Samples, and Gerald B. Taylor, Jr.; and Jayne Conroy and David Ratner as Co-State/Federal Liaison Counsel.

Dated: January 11, 2010

Respectfully Submitted,

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

IN RE: CHANTIX (VARENICLINE)
PRODUCTS LIABILITY LITIGATION
(MDL-2092)

Master File No.: 2:09-CV-2039-IPJ

This Document Relates To:

ALL CASES

**[PROPOSED] PRETRIAL ORDER NO. 1
ORGANIZATION OF PLAINTIFFS'
COUNSEL**

Now before the Court is the Petition for Appointment of Plaintiffs' Leadership Structure. No objection having been filed, the Court orders as follows:

I. Plaintiffs' Leadership Structure

1. The Court appoints the following attorneys and positions:
 - a. Plaintiffs' Lead Counsel, Ernest Cory;
 - b. Plaintiffs' Liaison Counsel, Joe R. Whatley, Jr.;
 - c. Plaintiffs' Executive Committee ("PEC"), Ernest Cory, H. Blair Hahn, Ramon R. Lopez, W. Mark Lanier and Tara D. Sutton;
 - d. Plaintiffs' Steering Committee ("PSC"): William M. Audet, Martin Crump, Clinton B. Fisher, Marc D. Grossman, Dave Miceli, David Ratner, Kristian Rasmussen, Shay Samples, and Gerald B. Taylor, Jr.;
 - e. Plaintiffs' State/Federal Liaison Counsel: Jayne Conroy and David Ratner.
2. These designations are of a personal nature. Accordingly, this Court looks to these counsel to undertake personal responsibility to perform the designated functions and reserves the discretion to replace them, on their own request or this Court's own motion, should they become unable to do so.
3. This Court may amend or expand the PSC upon request from the PEC or on its

own motion, if and as circumstances warrant. Contact information for all members of the Plaintiffs' Leadership Structure appears on Attachment "A".

II. Responsibilities of the PEC

1. The PEC is chaired by Plaintiffs' Lead and Plaintiffs' Liaison Counsel and is vested by the Court with the authority and duty to coordinate and oversee the responsibilities of the PSC set forth below; to schedule PSC meetings and keep minutes or transcripts of these meetings; to appear at periodic court noticed status conferences and hearings; to sign and file pleadings relating to all actions; and to bind the PSC in scheduling depositions, setting agendas, entering into stipulations, and in other necessary interactions with defense counsel. They shall perform other necessary administrative and logistic functions of the PSC and carry out any other duty as the Court may order.

2. The PEC is given the responsibility to create such committees and subcommittees of the PSC as are necessary to efficiently carry out its responsibilities, to designate members thereof, and to delegate common benefit work responsibilities to selected counsel (including non-members of the PSC), as may be required for the common benefit of plaintiffs. All attorneys carrying out such common benefit work who may look to any common fund or agreement for reimbursement or compensation shall maintain and submit time and expense records. The hourly rate of such common benefit work will be specified by the Court in a subsequent Order. All such reimbursement and compensation shall be subject to this Court's approval.

3. The PEC will share in the responsibilities of the PSC as outlined below.

III. Responsibilities of the PSC

1. The PSC will have the following responsibilities:

a. Discovery

(1) Initiate, coordinate, and conduct all pretrial discovery on behalf of

plaintiffs in all actions which are consolidated with the instant multi-district litigation and to the extent possible with any consolidated state court actions.

(2) Develop and propose to the Court schedules for the commencement, execution, and completion of all discovery on behalf of all plaintiffs.

(3) Cause to be issued in the name of all plaintiffs the necessary discovery requests, motions, and subpoenas pertaining to any witnesses and documents needed to properly prepare for the pretrial of relevant issues found in the pleadings of this litigation. Similarly requests, notices, and subpoenas may be caused to be issued by the PSC upon written request by an individual attorney in order to assist him/her in the preparation of the pretrial stages of his/her client's particular claims.

(4) Conduct all discovery in a coordinated and consolidated manner on behalf and for the benefit of all plaintiffs.

b. Hearings and Meetings

(1) Call meetings of counsel for plaintiffs for any appropriate purpose, including coordinating responses to questions of other parties or of the Court. Initiate proposals, suggestions, schedules, or joint briefs, and any other appropriate matter(s) pertaining to pretrial proceedings.

(2) Examine witnesses and introduce evidence at hearings on behalf of plaintiffs.

(3) Act as spokesperson for all plaintiffs at pretrial proceedings and in response to any inquiries by the Court, subject of course to the right of any plaintiff's counsel to present non-repetitive individual or different positions.

c. Miscellaneous

(1) Submit and argue any verbal or written motions presented to the Court or Magistrate on behalf of the PSC as well as oppose when necessary any motions submitted by the defendant or other parties which involve matters within the sphere of the responsibilities of the PSC.

(2) Negotiate and enter into stipulations with Defendants regarding this litigation. All stipulations entered into by the PSC, except for strictly administrative details such as scheduling, must be submitted for Court approval and will not be binding until the Court has ratified the stipulation. Any attorney not in agreement with a non-administrative stipulation shall file with the Court a written objection thereto within five (5) days after he/she knows or should have reasonably become aware of the stipulation. Failure to object within the term allowed shall be deemed a waiver and the stipulation will automatically be binding on that party.

(3) Explore, develop, and pursue all settlement options pertaining to any claim or portion thereof any case filed in this litigation.

(4) Maintain adequate files of all pretrial matters, including establishing and maintaining a document or exhibit depository, in either real or virtual format, and having those documents available, under reasonable terms and conditions, for examination by all MDL Plaintiffs or their attorneys.

(5) Perform any task necessary and proper for the PSC to accomplish its responsibilities as defined by the Court's orders, including organizing sub-committees comprised of plaintiffs' attorneys not on the PSC and assigning them tasks consistent with the duties of the PSC.

(6) Consult with Plaintiff Counsel for any action related to In Re: Chantix (Varenicline) Products Liability Litigation, MDL 2092 which are now pending in state court.

(7) Coordinate this matter with any other related litigation not otherwise referred to herein;

(8) Provide periodic reports to non-PSC plaintiffs' counsel concerning the status of the litigation on no less than a quarterly basis; and

(9) Perform such other functions as may be expressly authorized by further orders of the Court.

2. No pleadings or other papers shall be filed or discovery conducted concerning liability on behalf of all plaintiffs except as prepared on behalf of the PSC and signed by either Lead or Liaison Counsel.

3. This Court may amend or expand the PSC upon request from the PEC or on its own motion, if and as circumstances warrant.

IV. Responsibilities of Plaintiffs' Liaison Counsel

1. Plaintiffs' Liaison Counsel shall be responsible for, among other things:

a. Receiving on behalf of the attorneys for all plaintiffs notice of all Court orders and notices of pretrial conferences and acting as the primary contact between the Court and plaintiffs' counsel.

b. Preparing and transmitting copies of such notices as they may receive as Liaison Counsel to each of the attorneys included on the list prepared in accordance with applicable Local Rules when service is not already effected upon them electronically under Local Rules.

c. Establishing and maintaining a depository for orders, pleadings, hearing transcripts, and all documents served upon Plaintiffs' counsel, and shall make these available to counsel for all plaintiffs upon reasonable request.

d. Establishing and maintaining a current Master Service List of counsel of record.

- e. Maintaining in conjunction with their accountant records of receipts and disbursements for liability, investigation and related matters advanced by members of the PSC and received by the PSC and to report in writing to the PSC concerning disbursements and receipts; and
- f. Assisting in the scheduling of depositions with defendants' and plaintiffs' counsel.
- g. Acting as the treasurer for any common benefit assessments and expenses.

V. Miscellaneous Provisions

1. Lead Counsel, with Liaison Counsel as the treasurer for said account(s), shall deposit and invest all assessments for a litigation fund in an interest bearing insured money market bank account or United States Treasury Bills, and pay reasonable litigation expenses subject to a final accounting and approval by this Court. The initial and subsequent assessments shall be determined by the PEC with the assistance of the PSC. All such assessments shall be subject to final accounting at an appropriate time. An attorney's membership as Lead Counsel, Liaison Counsel or as a member of the PEC or PSC shall be contingent on that attorney's continuing commitment to diligent prosecution of this litigation and that attorney promptly paying any assessment for the litigation fund.

2. All communications, including e-mail communications among Lead Counsel, Liaison Counsel, and members of the PEC and PSC and an attorney for a plaintiff or claimant shall be deemed to be embraced by the attorney-client privilege and/or work product doctrine, if the privilege or doctrine is otherwise applicable, and all of said persons shall maintain the confidentiality of said communications.

3. The Court recognizes that independent investigations have been undertaken by various plaintiffs' counsel. Certain investigative materials gathered by individual counsel in the course of their independent case investigations may constitute attorney work product. All documents and investigative materials obtained prior to the date of this order will be shared only

with counsel having the same interests and subject to an agreement regarding the sharing of costs and expenses of obtaining and producing said investigative material and attorney work product. The PEC shall make a good faith effort to resolve the cost-sharing issues relevant to independent investigative materials. Any challenges to claims of work product as to investigative materials will be determined by the Court.

4. This organization of counsel for pretrial proceedings is not intended to constitute a waiver of any party's rights under *Lexecon v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26 (1998).

DONE and ORDERED this ____ day of
January, 2010.

HONORABLE INGE PRYTZ JOHNSON
United States District Court

EXHIBIT A

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

IN RE:)	Master File No. 2:09-CV-2039
CHANTIX (VARENICLINE))	MDL NO. 2092
PRODUCTS LIABILITY)	
LITIGATION)	INGE PRYTZ JOHNSON
)	U.S. DISTRICT JUDGE
THIS DOCUMENT RELATES TO)	
ALL ACTIONS)	

**APPLICATION OF ERNEST CORY FOR THE APPOINTMENT AS
LEAD COUNSEL AND TO PLAINTIFFS' EXECUTIVE
COMMITTEE OF THE PLAINTIFFS' STEERING COMMITTEE.**

Cory, Watson, Crowder & DeGaris, P.C. has participated in the prosecution of this litigation since its inception, having filed the first lawsuit involving Chantix related injuries. Mr. Ernest Cory and other attorneys in the firm have already expended substantial time and effort on behalf of the MDL plaintiffs.

Mr. Ernest Cory has been practicing law for over twenty-eight years and is the founding shareholder of Cory, Watson, Crowder & DeGaris, P.C. The firm specializes in complex mass tort litigation such as the type currently in front of this Court. Mr. Cory's practice focuses on medical device litigation, pharmaceutical litigation, product liability, and toxic torts.

His experience and talents in these fields will be directly applicable to this litigation.

Mr. Cory has served in leadership positions in numerous complex cases and has been appointed to serve in other mass tort MDL proceedings including: Plaintiffs' Steering Committee, *In Re: Trasylol Products Liability Litigation*, MDL No. 1928, Plaintiffs' Steering Committee and Co-Chair for the Discovery Committee, *In Re: Bausch & Lomb Contact Lens Solution Products Liability Litigation*, MDL No. 1785, Co-Lead Counsel, *In Re: Kugel Mesh Hernia Patch Product Liability Litigation*, MDL No. 1842, Plaintiffs' Steering Committee, *In Re: General Motors Corporation Dex-Cool Products Liability Litigation*, MDL No. 1562 and Lead Counsel, *In Re: ProteGen Sling and Vesica Systems Products Liability Litigation*, MDL No. 1387, and Co-Chair, Discovery Committee *In Re: Phenylpropanolamine (PPA) Products Liability Litigation*, MDL 1407.

Cory, Watson, Crowder & DeGaris, P.C. is a Birmingham, Alabama law firm recognized nationally for mass tort litigation, multidistrict litigation and complex litigation, including class actions, products liability, business and securities litigation, environmental litigation and mass tort litigation of defective medical devices and pharmaceutical drugs. Cory, Watson, Crowder & DeGaris, P.C. has already performed extensive legal and factual

investigations into the matters at issue in this litigation and have held meetings, given presentations and written articles advising other plaintiffs' attorneys about the issues and the dangers related to the Defendants' product. Cory, Watson, Crowder & DeGaris, P.C. successfully argued before the panel of the Multi District Litigation for the consolidation and coordination of the litigation before this Court. The Firm's history in Pharmaceutical and Defective Medical Device Litigation dates back to MDL 926 Silicone Breast Implants, which was also in this District. Since that time, the Firm has been involved in other similar litigations including: Diet Drug Litigation, Rezulin, Bextra, Celebrex, Medtronic, Vioxx, Fosamax, and Ortho Evra.

Mr. Cory is well suited to work efficiently and harmoniously with other members of the Plaintiffs' Counsel as well as members of opposing counsel. Mr. Cory feels that he is capable and qualified to represent all parties of the Plaintiffs' side fairly and adequately. Mr. Cory has adequate experience in similar roles in other litigations. He will vigorously and skillfully represent all interests of the Plaintiffs. Mr. Cory will commit the time and financial resources to serve as Lead Counsel in MDL No. 2092.

WHEREFORE, Ernest Cory respectfully requests appointment as Lead Counsel and to the Plaintiffs' Executive Committee.

Dated: this the 5th day of January, 2010.

s/ Ernest Cory

Ernest Cory

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WhatleyDrake&Kallas

Joe R. Whatley, Jr.

Mr. Whatley was born in Selma, Alabama. He is a graduate of Harvard University (A.B., cum laude, 1975), and University of Alabama Law School (J.D., 1978). Mr. Whatley is a member of the Bar in the States of Alabama, Texas, Colorado and New York, and is admitted to practice before the United States District Court for the Middle, Southern and Northern Districts of Alabama, the Southern District of Texas, the District of Colorado, and the Southern, Eastern and Northern Districts of New York, as well as the United States Court of Appeals for the First, Second, Fourth, Fifth, Ninth and Eleventh Circuits. After graduating from the University of Alabama Law School, Mr. Whatley served as a law clerk to the Honorable Frank H. McFadden, who was then Chief United States District Judge for the Northern District of Alabama (1978-1979). Mr. Whatley is a member of the American Bar Association (Member, Sections on: Labor and Employment Law; Litigation), a member and past President (1990-1991) of the Birmingham Federal Bar Association, and a member and past President (1990-1991) of the Labor and Employment Law Section of the Alabama State Bar. He is also a member of the Alabama Trial Lawyers Association; the American Association for Justice (formerly the Association of Trial Lawyers of America), and the National Association of Criminal Defense Lawyers.

Mr. Whatley has a wide-ranging, national practice. Among others, he represents numerous labor unions in the southeast of the United States, financial institutions in deceptive trade practice litigation arising out of the failure of a large retailer to secure confidential cardholder data as required by industry standards, medical societies and physicians in complex class action litigation against the managed care industry, employees in discrimination cases, rice farmers damaged by the contamination of the U.S. long grain rice supply by genetically modified rice traits, and individuals in personal injury and mass torts litigation.

Mr. Whatley is an experienced trial lawyer, having tried numerous cases, including class actions, to verdict. For example, Mr. Whatley won a \$1.28 billion jury verdict on behalf of a class of cattle ranchers against Tyson Fresh Meats, Inc. in *Pickett v. Tyson Fresh Meats, Inc.*, No. 96-A-1103-N (M.D. Ala.), and won what was at the time the largest wrongful death verdict in Louisiana history in *Dunn v. Consolidated Rail Corp.*, 890 F. Supp. 1262 (M.D. La. 1995). Mr. Whatley has recovered billions of dollars in monetary relief and business practice changes in litigations against the managed care industry. He also achieved an \$81.6 million settlement for former clients of Jenkins & Gilchrist in *Denney v. Jenkins & Gilchrist*, 230 F.R.D. 317 (S.D.N.Y. 2005), litigation relating to that firm's role in structuring and marketing illegal tax shelters.

E-MAIL: jwhatley@wdklaw.com

History of the Firm

Whatley Drake and Kallas, LLC is a national plaintiffs' firm, committed to litigation that results in meaningful change. WD&K was formed in Birmingham in 1998 as a successor to the firm of Cooper, Mitch, Crawford, Kuykendall & Whatley. The Firm has a legacy of serving leadership roles in significant complex class action and derivative litigation, including securities, 401k, healthcare, insurance, employment and mass tort litigation. WD&K also remains devoted to its longstanding representation of unions and workers throughout the United States. Our class action and complex litigation practice was strengthened in 2006 by the addition of a team of experienced class action attorneys in New York City.

In 2007, WD&K was one of thirteen firms named to the National Law Journal's "Plaintiffs' Hot List," the annual list of the country's most prominent plaintiffs' firms. Our national practice includes approximately 40 lawyers across offices in New York City, Birmingham and Boston. Throughout its history, WD&K has been at the forefront in class actions and complex cases across the United States, effecting meaningful change through settlements and verdicts for classes of people, businesses and pension funds.

WD&K and its partners have served as co-lead counsel in numerous high profile class actions that have recovered billions of dollars for class members, and have achieved significant corporate reforms. Examples of recent cases in which the Firm served in a leadership role and was extensively involved in the litigation and negotiation of settlements include: In re: Managed Care Litigation (resulting in billions of dollars in cash and value to a class of 900,000 physicians throughout the United States); In re Insurance Brokerage Antitrust Litigation (settlements with defendants Zurich Insurance Company and Arthur J. Gallagher on behalf of commercial policyholders for in excess of \$130 million); In re: Qwest Savings and Retirement Plan ERISA Litigation (approximately \$37.5 million); In re: HealthSouth Corporation Securities Litigation (\$445 million); In re Denney v. Jenkins & Gilchrist (\$81.6 million settlement on behalf of former clients of Jenkins & Gilchrist in connection with illegal tax shelters); In re MedPartners Securities Litigation (\$65 million); In re Kmart 401(k) Litigation (\$11.75 million).

Whatley Drake & Kallas has gained a national reputation for its aggressive litigation style and its quality legal work. A significant aspect of the Firm's resources is its ability to try a complex case. One of the Firm's founding partners, Joe R. Whatley, Jr., is an experienced trial lawyer and is one of the few lawyers representing plaintiffs in complex class action litigation who has tried a class action case to verdict. He won a \$1.28 billion jury verdict on behalf of a class of cattle ranchers against Tyson Fresh Meats, Inc. in *Pickett v. Tyson Fresh Meats, Inc.*, No. 96-A-1103-N (M.D. Ala.). Mr. Whatley also won what was at the time the largest wrongful death verdict in Louisiana history in *Dunn v. Consolidated Rail Corp.*, 890 F. Supp. 1262 (M.D.La. 1995). Mr. Whatley's experience in this regard has made him a highly sought after member of plaintiffs' leadership groups in numerous complex and multidistrict litigations.

WD&K and its partners have also gained a national reputation for their consistent dedication to the interests of their clients by achieving results which include both compensation to victims of wrongdoing and significant industry reforms.

Firm Litigation

Securities, Derivative and 401(k) Litigation

Whatley Drake and Kallas has been appointed to leadership positions in numerous securities and 401(k) class actions and derivative litigation. Examples of cases in which WD&K currently holds or has held a leadership position include, among others, the following:

In re HealthSouth Corporation Securities Litigation. WD&K acts as Liaison Counsel in this securities class action pending in the United States District Court for the Northern District of Alabama. To date, a partial settlement of \$445 million with the corporation and board of directors has been approved.

In re Merck & Co., Inc., Securities, ERISA and Shareholder Derivative Litigation. Joe R. Whatley, Jr. was named Co-Lead Counsel in this shareholder derivative action pending against Merck in the United States District Court for the District of New Jersey arising out of the marketing and sale of Vioxx.

Hildebrand v. W Holding Company, WD&K has been named as Co-Lead Counsel in this securities class action against W Holding Company, WesternBank Puerto Rico and certain individuals pending in the United States District Court for the District of Puerto Rico.

In re MedPartners Securities Litigation. WD&K served as Liaison Counsel in this action which was filed in Circuit Court of Jefferson County, Alabama on behalf of a class of shareholders against MedPartners. A settlement of \$65 million was obtained and approved by the court.

In re Qwest Savings and Retirement Plan ERISA Litigation. Joe R. Whatley, Jr. and WD&K were appointed Co-Lead Counsel in this class action filed on behalf of all participants and beneficiaries of Qwest's 401(k) retirement plan. The suit alleged that various fiduciaries of the plan failed to properly exercise their duties as required under ERISA. A settlement of approximately \$37.5 million was obtained and approved by the court.

In re Rankin v. Conaway (Kmart). WD&K served as Lead Counsel in this class action on behalf of participants and beneficiaries of Kmart's Retirement Savings Plans who lost money when Kmart filed for bankruptcy. The suit alleged that various fiduciaries of the

Plan failed to properly exercise their duties as required under ERISA. WD&K obtained a settlement of \$11.75 million that was approved by the court.

In re Xcel Energy. WD&K served as Co-Lead Counsel on behalf of participants and beneficiaries of Xcel's 401(k) Retirement Plan. A settlement of \$8 million was obtained and approved by the court.

In re Broadwing, Inc. ERISA Litigation. WD&K was Co-Lead Counsel in this class action brought on behalf of the participants and beneficiaries of Cincinnati Bell, Inc. Savings and Securities Plan, the Broadwing Retirement Savings Plan, and the Plans themselves, to remedy defendant's breaches of fiduciary duty under ERISA. A settlement of \$11 million was obtained and approved by the court.

McPhail, et al. v. First Command, et al. The Firm is Co-Lead Counsel representing a class of military and former military families that were defrauded by First Command. First Command and its officers are being sued because they sold to military families unsuitable financial products that contained, among other things, a 50% sales load in the first year of the product. WD&K won class certification and that decision was upheld by the Ninth Circuit Court of Appeals. First Command appealed that decision to the Supreme Court of the United States and cert was denied. A settlement of \$12 million has been preliminarily approved by the United States District Court for the Southern District of California.

Insurance and Healthcare Litigation

Whatley Drake & Kallas is a leader in complex litigation against the largest insurance, brokerage and managed care companies in the world. WD&K has been appointed to leadership positions in the following cases, among others:

Love v. Blue Cross Blue Shield Association, WD&K is Co-Lead Counsel in this action pending in the United States District Court for the Southern District of Florida. Settlements have recently been reached with approximately ninety percent (90%) of the defendants. The settlements provide for in excess of \$130 million of monetary benefits and practice change relief valued in excess of two billion dollars.

In re Managed Care Litigation, MDL No. 1334. WD&K is a member of the Plaintiffs' Steering Committee and represents a class of physicians against nine of the largest managed care providers in the United States including AETNA, CIGNA, United, Healthnet, Humana, PacifiCare, Prudential and WellPoint. The suit alleged that these defendants engaged in a civil conspiracy in violation of the Racketeering Influenced and Corrupt Organizations Act ("RICO") to wrongfully and fraudulently pay doctors less than the amounts to which they were entitled. Settlements were reached with AETNA, CIGNA, Healthnet, Humana, Prudential and Wellpoint consisting of monetary relief and significant business practice changes valued in the billions of dollars have been obtained and approved by the court.

In re Monumental Life Insurance Company, Industrial Life Insurance Litigation.

WD&K served as a member of the Plaintiffs' Steering Committee in this action pending in the United States District Courts for the Eastern District of Louisiana seeking redress for discriminatory practices of many major insurance companies with respect to the sale of life insurance products to minorities. Settlements of approximately \$500 million dollars have been obtained in these cases and approved by the court.

Environmental Litigation

Whatley Drake & Kallas is proud to represent thousands of individuals against the manufacturers of toxic substances released into the environment and has played a significant role in several nationally prominent environmental litigations including the following:

In re Allen v. ALDOT. WD&K represented residential property owners in three neighborhoods in Montgomery, Alabama harmed by the Alabama Department of Transportation's release of the chemical TCE into the groundwater of a 600-acre area affecting the property of some 1200 homeowners. A settlement of \$5.5 million was obtained.

Antitrust Litigation

Whatley Drake & Kallas is a leader in antitrust litigation and has held numerous leadership positions in such cases including, but not limited to, the following:

In re Insurance Brokerage Antitrust Litigation, MDL No. 1663. Edith Kallas and WD&K serve as Co-Lead Counsel and represent a putative class of purchasers of commercial and employer benefit insurance against many of the largest insurance companies and brokers in the country relating to these companies' alleged participation in a conspiracy to manipulate the markets for insurance. To date, settlements with two of the defendants, Zurich Insurance Company and Arthur J. Gallagher, have been reached for approximately \$130 million.

In re Lorazepam and Clorazepate Antitrust Litigation. WD&K served as Third Party Payor Lead Class Counsel in this antitrust action which was transferred by order of the Judicial Panel for Multi-District Litigation to the United States District Court for the District of Columbia. Settlements of over \$100 million were obtained.

Pickett, et al. v. Tyson Fresh Meats, Inc. Whatley Drake served as Co-Lead Counsel in representing a class of cattle ranchers against the major beef packers and producers in the country for conspiring to depress the price of beef on the cash market. In addition to serving in a leadership position in this action, Joe. R. Whatley of Whatley Drake served as

trial counsel in the Middle District of Alabama for the plaintiff class and the jury returned a verdict of \$1.28 billion for the class of ranchers and cattle producers.

In re Pharmacy Benefit Managers Antitrust Litigation. WD&K currently serves as Co-Lead Counsel in a nationwide class action that seeks to ensure patients' access to their selected pharmacists and that independent pharmacists will be able to provide quality care to the people who seek over 1.3 billion prescriptions from them each year. The suit alleges that these Pharmacy Benefit Managers conspired to and engaged in horizontal price fixing of the reimbursement rates paid to independent pharmacies.

Waterbury Hospital v. U.S. Foodservice. The Firm is Co-Lead Counsel and represents customers in a case involving a scheme whereby USF, the second largest food distributor in the U.S., fraudulently inflated the prices it charged to their cost-plus customers. USF's customers were charged, pursuant to cost-plus agreements, inflated prices that represented the cost of products plus a kickback to their suppliers.

Oil and Gas Royalty

Whatley Drake & Kallas has represented oil and gas owners in litigation against oil companies. Settlements have been reached with Exxon, Torch Energy and LL&E, Inc. The Firm received more than \$7.5 million for royalty owners.

Consumer Class Litigation

Whatley, Drake & Kallas is actively involved in representing consumers in class action cases. Some of those cases include the following:

Spencer v. Shell Oil. The firm represented homeowners with polybutylene plumbing throughout the United States in this action in the Circuit Court of Greene County, Alabama. The firm obtained a settlement of approximately \$1 billion to repair and replace leaking pipes and fittings for homeowners.

In re Mattel, Inc. Toy Lead Paint Products Liability Litigation, MDL No. 1897. WD&K is Co-Lead Counsel for a class of consumers of recalled toys due to their lead content or that were defectively designed with magnets which could come loose potentially injure children manufactured and sold by Mattel and Fisher Price. The suit seeks recovery for the purchase prices as well as reimbursement for medical testing.

Hoffman v. American Express Travel Related Services Co., Inc. WD&K represents American Express cardholders who enrolled in a flight and baggage insurance program under which subscribing cardholders are automatically charged an insurance premium each time a flight is booked. The complaint alleges that AMEX engaged in a scheme to defraud cardholders by assessing premiums for cancelled flights and trips not taken. The case is pending in Alameda County Superior Court, California.

Pineda v. Vitamin Shoppe. WD&K represents a class of purchasers of Vitamin Shoppe's "Especially for Women" vitamins. The complaint alleged that testing revealed that some of these vitamins were contaminated by lead and/or contained less calcium than the label indicated. Vitamin Shoppe denied all wrongdoing. WD&K obtained a settlement on behalf of the class, who received refunds of 100% of the value of the purchase price of the products or 125% of the purchase price if they choose store credit, which is pending final approval in Superior Court for Bergen County, New Jersey.

White v. Bed Bath and Beyond. WD&K represents a class of purchasers of bedding and linen products from Bed Bath and Beyond. Bed Bath and Beyond inflated the thread count of certain two-ply and multi-ply linens and other bedding products by counting threads in a manner which the Federal Trade Commission has ruled is deceptive to consumers. WD&K, along with other counsel, reached a settlement with Bed Bath and Beyond, which provided refunds or gift cards to purchasers of these bedding products, that is pending Final Approval in the United States District Court for the District of New Jersey.

Subprime Lending Litigation/Countrywide Financial Corp.. WD&K represents a class of borrowers against Countrywide Financial Corp, et al., pursuing claims under the Racketeer Influenced and Corrupt Organizations Act ("RICO") and California law involving a fraudulent scheme to systematically steer unwary borrowers into "subprime" mortgages and loans with excess charges and inadequately disclosed risks, including drastic and unexpected increases in required monthly payments. As a result, a significant percentage of borrowers from Countrywide have defaulted or are in default on their loans causing the current flood of foreclosures. Countrywide's scheme resulted in higher profits in interest rates, in origination fees and other fees, and in packaging the mortgage-backed securities.

Other Complex Class Action Litigation

Whatley Drake & Kallas has recently been appointed to leadership positions in the following complex class action cases:

In Re TJX Companies Retail Security Breach Litigation, MDL No. 1838. WD&K serves as Co-Lead Counsel in this multidistrict litigation pending in the United States District Court for the District of Massachusetts on behalf of a putative class of all financial institutions who suffered losses related to the monitoring and reissuance of their customers' debit and credit cards after information relating to millions of these accounts was stolen from retailer TJX. The Plaintiffs allege that TJX, whose stores include TJ Maxx, Marshalls and Home Goods, and its acquiring bank, Fifth Third Bank, failed to comply with payment card industry data security standards and assert claims including breach of contract and violation of Massachusetts General Laws Chapter 93A, the state's unfair and deceptive trade practices statute.

In re Genetically Modified Rice Litigation. Joe R. Whatley, Jr. was appointed to Plaintiffs' Executive Committee in this multidistrict litigation, pending in the United States District Court in the Eastern District of Missouri, which seeks redress for farmers who were damaged when it was disclosed that unapproved genetically modified rice traits developed by Bayer had contaminated the U.S. supply of long grain rice causing U.S. trading partners, including the European Union, Russia and Japan, to ban U.S. rice imports. A motion for class certification has been filed.

Tax Shelter Litigation. The firm was actively involved in the representation of hundreds individuals who were sold defective tax avoidance strategies by some of the nation's largest law firms, accounting groups and investment banks. The litigation resulted in a class settlement of \$81 million with Jenkins & Gilchrist and numerous individual and aggregate settlements valued at several hundred million dollars.

Labor & Employment Litigation

WD&K has a long history of providing representation for participants in employer-sponsored benefit plans including defined benefit pension plans and 401(k) plans fighting to recover individual benefits and damages to the plans themselves. The Firm is actively involved in the representation of Unions across the United States, advising them on a variety of matters that arise with a particular focus on their health and welfare plans.

WD&K has helped to make the workplace free of discrimination in numerous multi-party and class action lawsuits, holding leadership positions on behalf of workers who have suffered mistreatment because of their age, race, gender, national origin, religious affiliation, disability or simply because they sought to exercise rights protected by federal law such as wage and hour provisions. Several of our members have held roles in significant, high-profile civil, human and worker rights litigation.

Jackson v. City of Birmingham Schools (Title IX). WD&K represented an Alabama high school basketball coach fired after he complained that the girls on his team were not treated as well as boys. The coach won a landmark Supreme Court ruling under Title IX, the law that guarantees equal access and equal facilities for men in women in sports. WD&K litigated the case on remand and obtained a settlement that includes a city school board promise of equal facilities and the hiring of a Title IX coordinator to assure compliance.

Tyson Foods. WD&K led the effort that produced the multi-million dollar settlement of sexual harassment claims at a Tyson Foods plant in Alabama; in addition to the money, the Court ordered detailed injunctive relieve and appointed a court monitor to cure the widespread sexual harassment problem.

Ward v. Albertson's, Save-on, and Lucky Stores. WD&K served as co-lead counsel representing a class of defendants' former employees who alleged that defendants failed to

pay them their wages in accordance with California's waiting time statutes. Under California's Labor Code, employers must pay involuntarily terminated employees immediately upon termination, and voluntarily severed employees within 72 hours of their giving notice of termination. Although defendants vigorously disputed these allegations, WD&K obtained a settlement of \$18.5 million, pending approval by the California Superior Court.

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January 5, 2010

The Honorable Inge Prytz Johnson
Hugo Black Courthouse
1729 5th Avenue North
Birmingham, AL 35203

Re: *In re Chantix Products Liability Litigation* (MDL No. 2092)
Application of William M. Audet for Appointment to the Plaintiffs'
Steering Committee

Dear Judge Johnson:

Pursuant to Your Honor's Order of November 9, 2009, and with the consent and support of the other Plaintiffs' attorneys seeking a leadership position in MDL 2092, I hereby respectfully request that Your Honor approve my application for membership on the Plaintiffs' Steering Committee. In support of said application, I state the following:

As my attached CV details, I have significant experience (fifteen plus years) in this type of litigation. My firm primarily handles complex tort cases (individual and mass torts), and I have been honored to obtain Court-appointments in a number of similar mass torts, including *In re Baycol Products Liability Litigation*, D. Minn., MDL No. 1431 (PSC); *In re Bextra & Celebrex*, MDL No. 1699 (PSC), *In re Zyprexa Litigation*, MDL No. 1596 (Executive Committee) and *In re Ancure Product Liability Litigation*, N.D. Cal. Master File No: C-03-2774 (Lead Counsel). See attached Audet & Partners resume.

My firm has been involved in the Chantix litigation for over a year. My firm currently has a number of Chantix cases filed in federal court with other co-counsel. In addition, over the past few months, I have been contacted by a number of firms regarding working cooperatively together on their Chantix cases. My firm's demonstration of a willingness to devote substantial resources to these cases is evidenced by the fact that I have already committed a significant amount of time and energy to investigating and learning the science and liability related to these cases.

Prior to my practice of law, I earned my J.D. with highest honors at Golden Gate University School of Law and earned an LLM at University of Wisconsin School of Law. Subsequently, I clerked for two federal judges (the Honorable Fern M. Smith and the Honorable Alfonso Zirpoli).

Hon. Inge Prytz Johnson
January 5, 2010
Page 2

In addition, as a practitioner before the bar, I have spoken at numerous seminars on the topic of mass torts and class actions. The attorneys in my firm have excellent reputations in the mass tort field. My firm is invited by other firms to serve as co-counsel with them based on my firm's stellar reputation in the field and the quality of its work product.

Respectfully submitted

A handwritten signature in black ink, appearing to read "W. M. Audet", with a horizontal line extending to the right.

William M. Audet

Encls.
cc: Ernest Cory
Kristian Rasmussen

WILLIAM M. AUDET, J.D., L.L.M.

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William M. Audet is the founding partner of Audet & Partners, LLP, a law firm recognized for its aggressive prosecution of mass tort, class action, and individual cases involving defective pharmaceutical drugs and devices, product defects, construction defects, toxic torts, business fraud, and antitrust claims.

Mr. Audet graduated (with highest honors) and earned a J.D. from Golden Gate University School of Law in 1983. In 1987, Mr. Audet earned an L.L.M. from the University of Wisconsin School of Law, where he was a Clinical Instructor and Staff Attorney at the University of Wisconsin (Legal Assistance to Institutionalized Persons Program). In 1987, Mr. Audet served as a staff attorney at the Ninth Circuit Court of Appeals. Subsequently, Mr. Audet had the honor to serve as a Law Clerk to the Honorable Fern M. Smith (Judge of the United States District Court for the Northern District of California), and as a Law Clerk to the Honorable Alfonso J. Zirpoli (Judge of the United States District Court for the Northern District of California). After his two clerkships, Mr. Audet was employed at Lieff, Cabraser, Heimann & Bernstein, where he became a partner in 1996. In 1996, Mr. Audet joined with Richard Alexander and Amanda Hawes and formed Alexander, Hawes & Audet, LLP. In 2007 Mr. Audet founded Audet & Partners, LLP.

Mr. Audet is currently a member of the California and Wisconsin bars, and has been admitted to practice before dozens of federal and state courts throughout the United States.

Mr. Audet is a coauthor of a book on federal discovery: *Handling Federal Discovery*, Jakab, Audet & Fanady (James Publishing) (now in its 9th edition).

The partners and associates at Mr. Audet's firm have collectively filed and prosecuted hundreds of personal injury and commercial business cases. Mr. Audet has been appointed to leadership roles in dozens of class action and mass tort cases in state and federal court, including, but not limited to: *In re Baycol Products Liability Litigation*, D. Minn., MDL No. 1431 (Executive Committee); *In re Metabolife Products Liability Litigation*, JCCP 4360 (Executive Committee); *In re PRK/Lasik Consumer Litigation*, Santa Clara Superior Court, Master File No. CV772894 (Lead Counsel); *In re Ancure/Guidant Litigation*, N.D. Cal. (San Jose), Master File No. 09-02797-JF (Lead Counsel); *In re Zyprexa Product Liability Litigation*, E.D.N.Y., MDL No. 1596 (Executive Committee); *In re Bextra and Celebrex Marketing Sales Practices and Product Liability Litigation*, N.D. Cal. (San Francisco), MDL No. 1699 (Executive Committee).

Mr. Audet has spoken at numerous conferences on issues relating to mass torts and class actions, and he has sponsored and/or served on the panel of a number of Plaintiff "attorney-only" tutorial conferences relating to Vioxx, Bextra and other defective pharmaceutical drugs and devices. Mr. Audet was recently named as the 2005 Champion of Justice by the San Francisco Bar Association (legal foundation) for his contribution to the legal community and his *pro bono* activities.

Firm Resume
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Attorneys – at – Law

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Audet & Partners, LLP, is a nationally recognized trial law firm based in San Francisco, California, with affiliated offices and associated counsel located throughout the United States. The attorneys at Audet & Partners, LLP, have focused their practice on the prosecution of complex individual, mass tort and class action cases. The firm represents individuals, small businesses and institutional shareholders in product liability, tort, negligence, consumer, construction defect, investment fraud, securities, insider trading, antitrust, environmental, whistle blower, aviation and employment cases. In recognition of their commitment to the legal profession and outstanding abilities to get results for their clients, the firm and its members have been appointed to leadership positions in dozens of class action cases and serve as Court-appointed Plaintiffs' Counsel in federal and state litigation nationwide. Below is a sampling of Audet & Partners LLP's cases:

Product Defect Litigation

Galanti v. Goodyear Tire & Rubber Company, No. 03-209, United States District Court, District of New Jersey. Audet & Partners, LLP partners William M. Audet and Michael McShane served as Court-appointed Class Counsel with pending \$300 million settlement involving a defective radiant heating system.

In re Certainteed Corp. Roofing Shingles Products Liability Litigation, MDL No. 1817, pending in the United States District Court, Eastern District of Pennsylvania. Audet & Partners, LLP partner Michael McShane serves as Court appointed co-lead counsel on behalf of plaintiffs in a nationwide class action involving claims of a defective roofing product.

In re Zurn Pex Plumbing Litigation, MDL 08-MDL-1958, United States District Court, District of Minnesota. Audet & Partners, LLP partner Michael McShane serves as class counsel on behalf of plaintiffs in a nationwide class action involving claims of a defective plumbing product installed in thousands of residences throughout the United States.

In re Menu/Pet Food Recall Litigation, MDL No. 1850. Audet & Partners, LLP partner William M. Audet was appointed on of the co-lead counsel in a case involving recalled pet food. The ground braking case resulted in a significant monetary settlement, along with court supervised remedial action to prevent similar recalls of potentially poisoned pet products in the future. Over 100 class action cases were filed and consolidated in New Jersey federal court.



In re Toy Parts Recall – the firm was appointed lead counsel in a case involving recall of a well known toy product. The firm’s partner William M. Audet was directly involved in the negotiations and class wide resolution that provided for full refunds for class members, as well as other relief.

In re Planet Toys Recall, case no. (SDNY). The firm was appointed lead counsel in a case involving recall of certain of defendants’ toy products. Despite the fact that the company declared bankruptcy, lead counsel William m. Audet and his co counsel were able to obtain relief and compensation for class members..

In re Kitec Plumbing Litigation, pending in numerous District Courts throughout the United States. Audet & Partners, LLP partner Michael McShane serves as Court-appointed lead counsel in a nationwide class action prosecuting claims relating to defective plumbing products.

In re Uponor Plumbing Litigation, pending in numerous District Courts. Audet & Partners, LLP partner Michael McShane acts as class counsel in a nationwide class action alleging claims relating to a defective plumbing product.

In re Chinese Drywall Litigation, MDL 2047. Nationwide class action pending in the Eastern District of Louisiana involving claims relating to allegedly defective drywall manufactured in China. Audet & Partners, LLP partner Michael McShane represents putative class of plaintiffs seeking to recover damages as a result of the installation of the drywall in their homes.

Ross, et al., v. Trex Company, Inc. Case No. 09-670, United States District Court, Northern District of California. Audet & Partners, LLP partner Michael McShane serves as class counsel in a nationwide class action involving claims of defective composite decking sold by the defendant.

Williams v. Weyerhaeuser, San Francisco County Superior Court, California, No. 995787, and *Chambers, et al., v. Weyerhaeuser*, King County Superior Court, Washington, No. 98-2-21084-2 KNT. Audet & Partners, LLP’s attorneys served as one of three counsel in a class action involving allegations of defective siding manufactured by Weyerhaeuser.

Roy v. Cemwood Corporation, Contra Costa County Superior Court, California, No.: MSC99-00499. Audet & Partners, LLP firm attorneys serve as one of four co-lead counsel in a national class action involving allegations of defective roofing products.



In re Stucco Litigation (Ruff v. Parex) County of New Hanover, North Carolina, No. 96-CVS-0059. The firm's principal partner, William M. Audet, serves on the Court-appointed Plaintiffs Steering Committee. The case was filed on behalf of homeowners who had defective synthetic stucco installed in their homes.

Stuart Hanlon, et al., v. Chrysler Corporation, United States District Court, Northern District of California, No. C-95-2010 CAL. The Firm's attorneys worked on a case seeking correction of defective rear hatch door lock failures in nominal impacts for 3,300,000 owners of Chrysler minivans.

Mass Tort and Other Complex Litigation

In Zyprexa Litigation, MDL 1596, United States District Court, Eastern District of New York. The firm represents over 300 clients who developed diabetes after ingesting Zyprexa. Audet & Partners, LLP partner William M. Audet has been appointed a member of the Plaintiffs Executive Committee.

In Baycol Litigation, MDL 1431, United States District Court, Minnesota. William M. Audet serves as Court appointed member of the Plaintiffs Executive Committee relating to the defective drug Baycol.

In re Metabolife Litigation, JCCP 4360 (San Diego County, California). William M. Audet served as a member of the California State Steering Committee in personal injury cases arising out of injuries suffered due to Metabolife products.

In re Vioxx Litigation, New Jersey State Court and California State Court. The firm filed in excess of 100 cases against Defendants Merck & Company arising out of injuries associated with the defective drug Vioxx. The firm's cases were scheduled for trial. Susanne Scovern of the Firm played a crucial role in the litigation of the Vioxx cases in New Jersey State Court. The cases have been settled for in excess of \$4 billion.

In re Bextra Litigation, MDL No. 1699, United States District Court, Northern District of California. Audet & Partners, LLP partner William M. Audet serves as a Court appointed member of the Plaintiffs Steering Committee.

In re Intergel Litigation, Florida State Court. The firm filed dozen of cases on behalf of women injured using a Johnson & Johnson product called Intergel. The firm has recovered millions of dollars for their clients in confidential settlements with the company. Firm attorney Susanne Scovern served as the principal attorney involved in the cases.



In re Defective Ancure Products Liability Litigation, United States District Court, Northern District of California and Santa Clara County Superior Court. The firm represents dozens of individuals who were implanted with a defective device. Joseph Russell serves as the lead attorney in the cases.

Table Bluff Reservation (Wiyot Tribe), et al., v. Philip Morris, et al., United States District Court for the Northern District of California, San Francisco Division, No. C 99-02621 MHP. The firm represented Native American Tribes challenging the \$200 billion plus state tobacco agreement on the grounds that it violated their civil rights. The case was argued in the Ninth Circuit Court of Appeals.

Fen-Phen Product Liability Litigation, MDL 1203, California State Court. The firm filed a medical monitoring and punitive damage claim on behalf of California residents.

In re Baxter Heparin Litigation, Wisconsin and Illinois State Courts (consolidated with MDL 1953). The firm represents a number of injured victims and their families arising out of contaminated heparin blood transfusion products imported from other countries. The firm has filed cases in Illinois and Wisconsin State Court. Audet & Partners, LLP partner/founder William M. Audet serves as court appointed liaison counsel in the Wisconsin cases. The firm continues to evaluate and file cases for seriously injured clients.

In re Pfizer Chantix Litigation. The firm represents dozens of families who were not properly and fully warned about the safety issues associated with use of Chantix. The firm has filed, with co-counsel, cases in state and federal court and continues to meet with potential clients who have claims against the defendants for failure to warn.

In re Glaxo Avandia Litigation. The firm represents dozens of families whose loved ones suffered heart attacks and other injuries relating to use of Avandia. The firm was one of the first plaintiffs' law firms in the United States to uncover the case and file cases against the manufacturer of Avandia. The firm continues to meet with potential clients about their claims. Along with William Audet, attorney Susanne Scovern heads up the firm team in reviewing potential cases and assisting in the prosecution of cases against the defendants.

Consumer Litigation

In re Google Litigation, Northern District of California, San Jose Division. Serving as Court-appointed Liaison Counsel, the firm represents advertisers on Google's web pages who claim to have been overcharged for advertising through a complicated monthly charge program.



Smith v. Hewlett-Packard, Santa Clara County Superior Court, CV 776794. The firm serves as Plaintiffs' Liaison Counsel. Contrary to HP's representations, the Recorders could only consistently and reliably record less user data than the industry standard. When attempting to record more, error messages appeared, previously recorded data was lost and the CD became useless.

In Re Whirlpool Litigation, class action litigated in nine states including California, Minnesota, Pennsylvania, Ohio and Tennessee. Audet & Partners, LLP partner Michael McShane served as Court appointed co-lead counsel in a multi-state class action involving claims of breach of warranty and product defect against both Whirlpool Corporation and Sears & Roebuck, Inc.

Palm Treo Litigation, Santa Clara County Superior Court. Audet & Partners, LLP partner Michael McShane served as class counsel in a nationwide class action involving claims of product defect against Palm, Inc.

Roberts v. Bausch & Lomb, United States District Court, Northern District of Alabama, No. CV-94-C-1144-W. William M. Audet, the firm's principal partner, served on the Plaintiffs' Committee in this nationwide consumer class action. A settlement against Bausch & Lomb was approved by the Court on August 1, 1996. Under the settlement, Bausch & Lomb agreed to \$68 million in cash and products to 1.5 million buyers of the Company's disposable contact lenses.

Hilla v. TCI Cablevision, Santa Clara County Superior Court, No. CV-769105. The firm represented California residents involving illegal overcharges by the cable company for late fees.

Plotkin v. General Electric, United States District Court, Northern District of California, Action No. C-92-4447. The firm filed a class action against General Electric for defrauding the American public in the sale of Energy Choice Light Bulbs, which were claimed to be energy efficient, required less electricity and would preserve the environment. General Electric subsequently settled this national class action.

Afanador v. H&R Block Tax Services, Inc., Santa Clara County Superior Court, California, No. CV-767677. The Firm's attorneys, along with other Plaintiffs' counsel, successfully represent consumers in claims against H&R Block arising out of its "Rapid Refund" program.

Sears Automotive Center Consumer Litigation, United States District Court, Northern District of California, No. C-92-2227. The firm filed a class action on behalf of consumers defrauded by Sears' Auto Centers. The case was successfully concluded in August 1992. William M. Audet was appointed to the Plaintiffs' Steering Committee.



Chamberlain v. Flashcom, Orange County Superior Court, Case No. 00 CC 04212. In this class action, William M. Audet, principal partner, along with other counsel successfully a remedy against Defendant's unlawful, unfair, and fraudulent business conduct.

Providian Credit Card Cases, San Francisco County Superior Court, JCCP No. 4085. The Providian Defendants purported to facilitate the issuance of credit cards to people with damaged credit histories. The case settled for in excess of \$10 million. William M. Audet served as Class Counsel.

In re Kia Litigation, Orange County Superior Court. William M. Audet served as class counsel in a number of jurisdictions in a case involving claims by Kia regarding its automotive products. The case was settled with a significant monetary and non-monetary recovery for the class.

Insurance/Healthcare Litigation

In re Unum Provident Litigation, United States District Court, Eastern District of Tennessee, MDL No. 1552. Audet & Partners, LLP firm partners William M. Audet and Michael McShane serve as Court-appointed Lead Counsel in a pending class action on behalf of Plaintiffs alleging the wrongful denial of benefits under long term disability policies.

In re Industrial Life Insurance Litigation, United States District Court, Eastern District of Louisiana., MDL Nos. 1371, 1382, 1390, 1391, and 1395. William M. Audet served on the Court-appointed Plaintiffs' Steering Committee. The class cases involve claims that insurance companies overcharge African-Americans for life and health insurance.

In re Life of Georgia Insurance Litigation, Thirteenth Judicial District, Shelby County, Memphis, Tennessee. Reached nationwide class settlement in 2002 on behalf of class of insureds discriminated against in the issuance of life insurance. William M. Audet served as Court-appointed Co-Lead Counsel.

Thorn v. Jefferson Pilot Insurance Co., United States District Court, South Carolina. Nationwide class on behalf of purchasers of life insurance. Michael McShane of the firm represents the proposed Plaintiffs class alleging racial discrimination in the issuance of life insurance policies

In re Average Wholesale Price Litigation, MDL Docket No. 1456. Audet & Partners, LLP partner William M. Audet and Michael McShane of the firm serve as Court appointed members of the Executive Committee, representing Plaintiffs in a nationwide class action allegedly the manipulation of pricing for prescription drugs.



In re Tenet Healthcare Litigation, Los Angeles County, Superior Court, California. Numerous actions coordinated in 2002 by the Judicial Council. Partners William M. Audet and Michael McShane served among three Court appointed Lead Counsel on behalf of nationwide class of individuals who were allegedly overcharged directly, or through their health insurance for medical services, products and medication.

Lawson, et al., v. Liberty Life, Birmingham, Alabama, No. 96-1119. William M. Audet of the firm, along with four other Plaintiffs' Counsel, represents a proposed class of life insurance policy holders of Liberty Life Corporation who were subjected to unlawful life insurance policy "churning" by Liberty Life.

Antitrust

In re PRK/Lasik, Laser Surgery Overcharges Litigation, Santa Clara County Superior Court, California, Master File No. CV772894. Audet & Partners LLP attorneys William M. Audet and Joseph Russell served as Court-appointed Liaison Counsel in a nationwide class action case alleging antitrust violations against Visx, Inc. and Summit, Inc.

Flat Glass Antitrust Litigation, United States District Court, Western District of Pennsylvania, MDL No. 1200 (and related cases). Mr. Audet of the firm serves as one of five Court-appointed Discovery Committee members and as Plaintiffs' Counsel in a national class action antitrust case pending against the manufacturers of flat glass.

Toys "R" Us Antitrust Litigation, United States District, Northern District of California, No. C-97-3931-TEM. The firm filed a national class action antitrust complaint on behalf of toy consumers.

Los Angeles Milk Antitrust Litigation, Los Angeles County Superior Court, California, No. BC 070661. William M Audet and other members of the firm, along with other Plaintiffs' Counsel, represents consumers arising out of claims of antitrust violations against Los Angeles supermarkets due to alleged price fixing of milk.

California Indirect Purchaser Auction House Cases, San Francisco County Superior Court, No. 310313. In this case against Christie's, Sotheby's and others, Defendants are charged with conspiring to fix commissions for the sale at auction of art and other items in California.

Pharmaceutical Antitrust Cases, San Francisco County Superior Court, California, Judicial Council Coordination Proceeding, No. 2969. The firm members worked on a case for independent pharmacies pursuing claims against major drug manufacturers for violation of California's price fixing statutes.



In re Vitamin Antitrust Litigation, California, North Carolina, Tennessee and Maine. William M. Audet serves as lead counsel in three states and on the Plaintiffs' Executive Committee in one state (California) in class claims involving alleged price fixing by the manufacturers of vitamin products.

In re Methionine Antitrust Litigation, MDL Docket No. 1311. William M. Audet serves as class counsel in a case involving allegations of price fixing in the Methionine industry.

In re Bromine Antitrust Litigation, Docket No. 1310. The firm serves as class counsel in a case involving allegations of antitrust violations in the Bromine industry.

In re Carbon Fiber Antitrust Litigation, C.D. Cal., C 99-11475 RJK. Manufacturers, sellers, and distributors of carbon fibers were sued by makers of airplanes, spacecraft parts, industrial and sporting equipment for conspiring to maintain an artificially inflated price for their product. The firm members served as one of Plaintiffs' counsel.

In re: Terazosin Hydrochloride Antitrust Litigation, S.D.Fla. MDL 1317. In this lawsuit Plaintiffs allege a conspiracy to create a monopoly and fix prices of this widely used prescription drug as well as preventing the sale of any generic bioequivalent to Hytrin. The firm members served as one of Plaintiffs' counsel.

In re Dram Antitrust, MDL 1486, Northern District of California. William M. Audet of the firm serves as class counsel in a class action case to recover money for class members due to antitrust activity in the DRAM industry.

In re Copper Tubings Litigation, United States District Court, District of Tennessee. William M. Audet of the firm was appointed as Co-lead Class Counsel in a case involving an alleged worldwide conspiracy to overcharge customers in the copper tubing industry.

Securities & Insider-Trading

In re CNET Derivative Litigation, William M. Audet and Michael McShane of the firm filed a case against the corporate Defendants for insider trading and back dating of options. The case was filed in San Francisco Superior Court, California.

Adaptec Derivative Litigation, Santa Clara County Superior Court, California, Master File No. CV 772590. The firm serves as Liaison Counsel in a derivative action filed on behalf of shareholders of Adaptec, Inc.



In re Genesis Securities Litigation, Northern District Court of California. William M. Audet serves as class counsel on a case filed against Genesis. After the case was dismissed by the District Court, the firm filed an appeal and ultimately settled the case for \$1.5 million.

Informix Derivative Securities Litigation, San Mateo Superior Court, California, Case No. 402254. The firm served as one of the Plaintiffs' Derivative Counsel in a shareholder lawsuit alleging derivative claims on behalf of Informix.

Solv-Ex Securities Litigation, Second Judicial District Court, County of Bernalillo, New Mexico, No. CV-96-09869. The firm serves as Plaintiffs' Class Counsel in a suit alleging securities fraud against Solv-Ex Corporation and other insider defendants.

Imp, Inc., Securities Litigation, Santa Clara County Superior Court, California, No. CV762109. The firm represents shareholders of Imp, Inc. in an action against certain insiders of Imp, Inc., for alleged insider trading of the Company's stock.

CBT Group Derivative Litigation, San Mateo County Superior Court, California, No. 406767. The Firm's founder, William M. Audet served as one of two plaintiffs' counsel representing shareholders of CBT Group, PLC, in a derivative action against officers and directors of the Company.

Oakley Technology Derivative Litigation, Santa Clara County Superior Court, California, No. CV75829. The Firm's members served as one of three Co-lead Counsel in a derivative securities case brought on behalf of shareholders of Oakley Technology, Inc., brought against certain Officers and Directors of the Company.

Horizon Securities Litigation, United States District Court for New Mexico, No. 96-0442 BB/LCS. William M. Audet of the firm serves as one of the Plaintiffs' Class Counsel in a securities case filed against New Mexico-based Horizon Corporation for alleged violation of federal securities laws.

Bay Networks Securities Litigation (*Garnier v. Bay Networks*, CV764357; *Greeneway v. Bay Networks*, CV765564), Santa Clara County Superior Court, California. The firm members served as one of four-plaintiffs' counsel representing shareholders of Bay Networks for alleged securities violations.

Unison Healthcare Corporation Litigation, United States District Court of Arizona, Case No. Civ. 97-0583-PHX. The firm members served as one of the Plaintiffs' Class Counsel representing investors in Unison Healthcare.

S3 Derivative Litigation, Santa Clara County Superior Court, California, No. CV770254. The firm members served as one of the Plaintiffs' Lead Counsel in a derivative action filed on behalf of shareholders of S-3, Inc.



In re Networks Associates Derivative Litigation, Santa Clara County Superior Court, Consolidated Case No. CV-781854. In this case, shareholders sued officers and directors of this leading manufacturer of anti-virus and protocol analyzer software who sold over 800,000 shares of their personal stock for more than \$33 million by misleading the public regarding its value. William M. Audet of the firm served as Liaison Counsel.

In re Oak Technology Derivative Action, Santa Clara County Superior Court, No. CV758629. Shareholders sued directors and officers to recover more than \$100 million Defendants made by artificially inflating the company's stock, representing that exceptional demand for the company's products existed. In fact, the company's shipments of CD-ROM controllers far exceeded what the market could absorb. Three related derivative cases were filed and subsequently consolidated. William M. Audet of the firm serves as Lead Counsel in this lawsuit.

In re Sybase Derivative Litigation, N.D.Cal., No. C-98-0252-CAL. The Firm's attorneys served as Plaintiffs' Counsel in this stockholder's derivative action brought on behalf of Sybase against certain of the Company's present and former officers and/or directors for insider trading.



About the Attorneys at the Firm

William M. Audet earned a B.A. from the University of California at Davis in 1981, a Juris Doctor from Golden Gate University School of Law in 1984, where he was the Editor of the Golden Gate University Law Review, and completed his formal legal education with a Masters of Law from the University of Wisconsin School of Law in 1987. While obtaining his Masters Degree in Law at the University of Wisconsin, Mr. Audet was also a clinical instructor at the faculty of the University of Wisconsin School of Law. After clerking for the Ninth Circuit Court of Appeals, Mr. Audet clerked for The Honorable Alfonso J. Zirpoli, United States District Judge for the Northern District of California and The Honorable Fern M. Smith, United States District Judge for the Northern District of California. Mr. Audet's practice focuses on complex litigation, including class and non-class action claims involving mass torts, product liability, antitrust, employment, and consumer litigation. Mr. Audet is a frequent guest speaker on a variety of topics at professional seminars. Mr. Audet is a co-author of *Handling Federal Discovery* (9th Ed.)(James Publishing Company). In 2005, Mr. Audet was awarded the Justice Award from the San Francisco Bar Foundations for his long standing contributions to the legal community and for his *pro bono* work over the years. Mr. Audet has been appointed to leadership positions in a number of important and groundbreaking cases.

Michael A. McShane earned his B.A. in Philosophy from the University of California at Santa Barbara, before earning his law degree from the University of Oregon in 1986, where he was the Articles Editor for the Journal of Environmental Law and Litigation. Since his admission to the California Bar, Mr. McShane's practice has been devoted exclusively to prosecuting complex class action litigation throughout the United States. His areas of practice include products liability, consumer claims, antitrust litigation, insurance fraud and medical/pharmaceutical overcharge cases.

Joseph E. Russell earned a B.S. in mathematics from Fresno State College in 1963. Mr. Russell earned his J.D. in 1969. During his law school, Mr. Russell was appointed Editor of Golden Gate's law review, Cal Law, Trends & Developments, and received the San Francisco Bar Association's award as Bay Area Scholar of the Year. In 1970, he received a Masters of Law from Southern Methodist University School of Law. Mr. Russell has tried dozens of cases, focusing on cases involving technical and scientific matters, including anti-trust, unfair business competition, construction and aviation cases. He is a member of the Association of Trial Lawyers of America and Consumer Attorneys of California. Mr. Russell serves as senior Trial Counsel at the firm.

Susanne N. Scovern, received a B.A. with highest honors and distinction in Russian/East European Studies and Political Philosophy from the University of Michigan in 1985. In 1990, Ms. Scovern was awarded a Juris Doctorate from the University of Iowa where she was a member of the *University of Iowa Law Review*. Over the years, she has practiced a broad range of product liability, mass tort, class action, employment and commercial litigation. Ms. Scovern is a member of the American Bar Association, the California Bar Association and the San Francisco Bar Association. She is active in the Science & Technology and Labor and Employment Sections of the ABA and State Bar. She is



also a member of the Association of Trial Lawyers of America and the San Francisco Trial Lawyers Association. She is admitted to practice in California and the District of Columbia. Ms. Scovern focuses her work at the firm on defective medical devices and drugs, and is currently heavily involved in the prosecution of the Firm's Vioxx cases.

Kevin L. Thomason earned a B.A. in Interdisciplinary Studies from California State University at Dominguez Hill in 1991 and a Juris Doctor from the University of California, Hastings College of the Law in 1994. Kevin has extensive experience in internet and computer technology and has taught MCLE classes on the internet throughout California. He has written extensively for the legal press on these topics. His practice focuses on complex litigation and class actions. Kevin also handles the firm's internet marketing.

Joshua C. Ezrin received a B.A. with honors in Sociology from the University of California at Santa Cruz in 1995, and a Juris Doctor from the University of San Francisco School of Law in 2001. Mr. Ezrin has focused his practice on complex litigation and toxic torts and is currently working on a number of cases, including the Bextra, Vioxx and Zyprexa pharmaceutical litigation for the firm.

Adel A. Nadji earned a B.A. in English from the University of California at Berkeley in 1999, and a Juris Doctor from the University of San Francisco School of Law in 2004. While in law school, he was a member of the *Maritime Law Journal*, and the Vice President of the Public Interest Law Foundation. Mr. Nadji published an article titled, *A Decade in the Development of NAFTA Chapter 11*, in the USF Graduate Business Journal. Mr. Nadji is currently focusing his work at the firm on the Vioxx, Guidant and Bextra litigation.

Jonas P. Mann earned a B.A., *cum laude* and with high honors, in International Affairs from the George Washington University in 2004. In 2007, Mr. Mann was awarded a J.D. from Temple University – James E. Beasley School of Law where he was a member of the Temple Political and Civil Rights Law Review. Prior to joining the firm, Mr. Mann completed a clerkship in the Superior Court of New Jersey where he worked primarily on pharmaceutical products liability, employment discrimination, and environmental litigation.

Aaron H. Darsky received a B.A. in Economics from the Michigan State University College of Business in 1990. In 1998, Mr. Darsky earned his Juris Doctorate with a Certificate of Specialization in Litigation from Golden Gate University School of Law in San Francisco, CA, where he served as teaching assistant to Professor Bernard L. Segal. Mr. Darsky's practice focuses on the prosecution of class and representative actions, including consumer class actions, antitrust class actions, shareholder derivative actions, securities fraud class actions, shareholder minority rights class actions, and multi-level marketing fraud. He is a member of the State Bar of California and is admitted to United States District Courts for the Northern, Southern and Central Districts of California and the United States Court of Appeals for the Ninth Circuit.





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January 7, 2010

Honorable Inge Prytz Johnson
United States District Court
Northern District of Alabama
Hugh L. Black U.S. Courthouse
1729 5th Avenue North
Birmingham, AL 35203

Re: In re: Chantix (Varenicline) Products Liability Litigation, MDL 2092

Dear Judge Johnson:

Please accept this correspondence as my Application for Appointment to the Plaintiff's Steering Committee in the above referenced matter. I am a partner in the firm of Davis & Crump, PC, in Gulfport, Mississippi, a personal injury firm that handles mass tort litigation. My firm has filed one case being transferred to the Chantix mdl, styled Terri Flaherty v. Pfizer, Inc. filed in the Northern District of Mississippi, and we are in the process of evaluating several hundred cases for filing predominantly in federal courts in various states. We are also counsel of record for 11 suicide/suicide attempt cases in the state court proceeding in New York.

My education includes an undergraduate degree from Mississippi State University in Psychology and Philosophy, with a minor in Religion. I received my law degree from Oklahoma City University. I am currently licensed to practice law in Mississippi, Pennsylvania, Texas and the District of Columbia. I am also licensed to practice before the United States Court of Veterans Appeals and the U. S. Court of Appeals for the Fifth Circuit. Since 2000, I have been active member of the American Association for Justice and the Mississippi Association for Justice. I also hold memberships in the Mississippi Bar Association, Pennsylvania Bar Association, Texas Bar Association and the District of Columbia Bar Association.

Davis & Crump, PC is a law firm of five attorneys and fifteen support staff located in Gulfport, Mississippi, with over 39 years of combined experience helping individuals in the areas of personal injury, medical malpractice, product liability, and wrongful death. Specifically, the partners of the firm have consistently practiced pharmaceutical/medical device litigation from 1993 to the present. My partner, Mark W. Davis, was instrumental in the settlement of the second fen-phen case in the country and was named National Law Journal litigator of the month for November, 2002.

Honorable Inge Prytz Johnson
Page Two
January 7, 2010

Our law firm has had committee level involvement in MDLs involving Rezulin, fen-phen, HRT, Avandia, and Gadolinium. Further, we have had significant involvement in the committee level and/or bellwether cases in state court proceedings involving Lotronex, Avandia, Gadolinium, and hormone replacement therapy. In addition to the involvement listed above, I have attached a listing of the differing litigations in which my firm has filed and litigated pharmaceutical and medical device cases.

Davis & Crump represents plaintiffs in complex and coordinated proceedings in state and federal courts across the nation in the areas of defective product design, manufacture, and marketing. We have also worked closely and have coordinated efforts with many other law firms and plaintiffs' counsel involved in this litigation, to include the firms in this petition applying for leadership roles in this litigation. In previous litigations, we have worked with a number of these firms in preparing cases for trial, deposing numerous employees of pharmaceutical defendants, and reviewing tens of thousands of documents produced in various litigations.

I have never been sanctioned by any court or bar association for any professional or ethical violations or otherwise. Historically, I have demonstrated my ability to practice law in a professional manner and work within a spirit of cooperation.

Currently, we are prepared to devote the time of three attorneys, two paralegals and two legal assistants to assist with the responsibilities required of the PSC in the Chantix litigation.

I would be honored if the Court chose me to serve on the plaintiff's steering committee for this particular litigation. I have the resources, willingness, and availability to commit to this important project. From the efforts I have expended thus far on this project, and on past projects, I can assure the Court that I am qualified to serve in this role. Therefore, I respectfully seek Your Honor's appointment.

If your Honor has any questions or needs further information, please let me know. I appreciate your consideration.

With kindest personal regards, I am

Sincerely,

DAVIS & CRUMP, P.C.



MARTIN D. CRUMP

MDC/bh
Attachment

**DAVIS & CRUMP PC AREAS OF PAST AND PRESENT
PHARMACEUTICAL/MEDICAL DEVICES PRACTICE**

FEDERAL MULTI-DISTRICT LITIGATIONS

In re Silicone Gell Breast Implant Product Liability Litigation - MDL 926 – Northern District of Alabama

In re Copley Pharmaceutical, Inc. “Albuterol” Product Liability Litigation – MDL #1013 (D-Wyo.).

In re Telectronics Pacing Systems, Inc., Accufix Atrial “J” Leads Product Liability Litigation, MDL No. 1057 (S.D. Ohio)

In re Baycol Products Liability Litigation, MDL No. 1431 (D. Minn)

In Re Bextra/Celebrex Products Liability Litigation, MDL 1699 (N.D. CA)

In re Vioxx Products Liability Litigation, MDL No. 1657 (E.D. LA)

In re Guidant Defibrillators Products Liability Litigation, MDL No. 1708 (D. Minn);

In re Medtronic Products Liability Litigation, MDL 1905;

In re Trasylol Products Liability Litigation, MDL 1928

In re Ortho Evra Products Liability Litigation, MDL 1742

In re Prempro Products Liability Litigation, MDL 1507

In re Phenylpropanolamine (PPA) Products Liability Litigation, MDL 1407

In re Nuva Ring Litigation, MDL 1964

In re Propulsid Litigation, MDL 13555, (E.D. LA)

In re Rezulin Litigation, MDL 1348

In re Zyprexa Litigation, MDL 1596 (E.D. NY)

In re Avandia Litigation, MDL 1871 (ED PA)

In re Bausch and Lomb, MDL 1785, South Carolina

STATE LITIGATIONS

Hormone Replacement Therapy – Philadelphia, Pennsylvania, Consolidated Action

Avandia – Philadelphia, Pennsylvania, Consolidated action

Trasylol – Philadelphia, Pennsylvania, Consolidated action

Bausch & Lomb Litigation, New York, Consolidated action

Gadolinium Litigation – East St. Louis, Illinois consolidated proceeding

Avandia Litigation – East St. Louis, Illinois consolidated proceeding

Trasylol Litigation – East St. Louis, Illinois consolidated proceeding

Gadolinium Litigation – Philadelphia, Pennsylvania, consolidated proceeding

Lotronex Litigation – Jefferson County, Mississippi, consolidated proceeding;

Zyprexa Litigation – California, consolidated action;

Lead Litigation – Bolivar County, Mississippi, consolidated action

Rhino Litigation – California, consolidated action

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January 7, 2010

The Honorable Inge Prytz Johnson
Judge, United States District Court
Northern District of Alabama
Hugo Black Courthouse
1729 Fifth Avenue North
Birmingham, Alabama 35203

Re: In Re Chantix (Varenicline) Products Liability Litigation;
Master File No.: 2:09-CV-2039-IPJ

Dear Judge Johnson:

We respectfully submit this application for the appointment of Clinton Fisher to the Plaintiffs' Steering Committee and Jayne Conroy as Co-Lead State Liaison counsel in this MDL. We appreciate this opportunity to serve on behalf of Chantix plaintiffs, and certify that we will commit ourselves to this task.

We are partners in Hanly Conroy Bierstein Sheridan Fisher & Hayes LLP ("Hanly Conroy"), which has extensive experience in mass tort litigation. Members of Hanly Conroy have served in leadership positions on the Plaintiffs' Steering or Executive Committees in the Ephedra, Bextra/Celebrex, Zyprexa, ReNu (contact lens solution) and gadolinium contrast dye MDLs. We have also served on various working committees in these and other MDLs, including discovery, science and law and briefing committees. Two of our members have previously served as Liaison Counsel with respect to the coordination of federal and consolidated state litigations in mass torts. In addition, one of our members sat on the Plaintiffs' Executive Committee in the two consolidated federal cases arising out of the September 11 terrorist attacks. In short, our firm has significant experience in numerous aspects of multi-district and consolidated litigation, and we have dedicated substantial time and resources to this work over many years.

As of this date, Hanly Conroy represents approximately 300 Chantix plaintiffs. We expect

HANLY CONROY BIERSTEIN SHERIDAN FISHER & HAYES ^{LLP}

January 7, 2010

Page 2

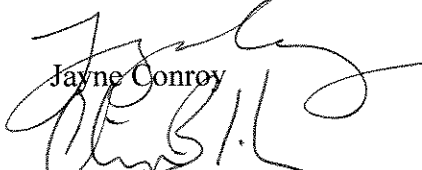

that we will ultimately represent approximately 500 plaintiffs in this litigation.

Mr. Fisher is a member of the New York and Washington, D.C. bars and is admitted in several United States District Courts and the Second Circuit Court of Appeals. He served on the Discovery Oversight Committee in the Bextra/Celebrex litigation, has an active role in the ongoing gadolinium contrast dye litigation, and is Co-Lead counsel in the In Re Zelnorm Litigation, consolidated in New Jersey State Court. Previously, he was involved in both the Zyprexa federal litigation and the coordinated New York State and nationwide OxyContin litigation. He is a 1983 graduate of Harvard Law School and has many years of experience litigating products liability and commercial cases in federal and state court nationwide. He has never been sanctioned by a court or bar association for any professional breach or otherwise, and has consistently demonstrated an ability to work closely and cooperatively with colleagues around the country.

Ms. Conroy is a member of the New York, Massachusetts and Washington, D.C. bars, and is admitted in several United States District Courts and the First Circuit Court of Appeals. She currently serves on the Plaintiffs' Steering Committee in the gadolinium contrast dye litigation and is co-head of the Law and Briefing Committee in the In Re Yasmin and Yaz multi-district litigation. She served on the Plaintiffs' Executive Committee in the Zyprexa litigation, had a leadership role in the nationwide OxyContin litigation, and played a critical role in the litigation and resolution of the Bextra/Celebrex litigation, where she served as court-appointed member of two working committees as well as a trial-team member for the first bellwether trial. Ms. Conroy is a 1985 graduate of New England School of Law and has many years of experience in the oversight, litigation and settlement of products liability and commercial matters nationwide. She has never been sanctioned by a court or bar association for any professional breach or otherwise. She has always demonstrated the ability to work cooperatively with colleagues on both sides of the bar, in all areas of the country.

We would be honored to be selected by the Court to serve on the Plaintiffs' Steering Committee and as Co-Lead State Liaison Counsel in this litigation. We believe that we are well-qualified to serve in these capacities, and pledge to devote our best efforts to these important roles in service of Chantix plaintiffs.

Respectfully,


Jayne Conroy

Clinton B. Fisher

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

IN RE:	§	
CHANTIX (VARENICLINE)	§	MDL - 2092
PRODUCTS LIABILITY	§	2:09-CV-2039-IPJ
LITIGATION	§	HON. INGE PRYTZ JOHNSON
	§	
THIS DOCUMENT RELATES TO	§	
<u>ALL ACTIONS</u>	§	

**APPLICATION OF MARC D. GROSSMAN, ESQ. FOR THE APPOINTMENT AS TO
THE PLAINTIFF'S STEERING COMMITTEE.**

Pursuant to Case Management Order No. 1, Marc D. Grossman respectfully files this application for appointment as a member of the Chantix (Varenicline) Products Liability Litigation Plaintiff's Steering Committee and states the following:

PROFESSIONAL EXPERIENCE

Mr. Grossman himself has the time, the financial resources, the experience and the passion requisite to serving on this Steering Committee. Marc D. Grossman graduated from The University of Michigan in 1989. In 1993 Mr. Grossman graduated from Brooklyn Law School and Baruch Business School's J.D./M.B.A. program. At this time he was admitted to District Court of New York and District and Supreme Court of New Jersey. On December 6, 1994 he was admitted to New York Federal Courts. During this time he interned at the Law Department of the United Nations. Mr. Grossman became an Associate and later a Partner in the law firm of Mergel, Tubman & Grossman in New York City. Mr. Grossman is also a Founding Partner and Member of Sanders and Grossman P.C., and Baker Sanders Barshay Grossman Fass Muhlstock & Neuwirth, LLC, respectively, and a Senior Partner and Member at Sanders, Sanders, Block, Woycik, Viener & Grossman, P.C. and Sanders Viener Grossman, LLP.

Since beginning his law career in 1993, Mr. Grossman founded several law firms focusing primarily on representing large groups of plaintiffs against common defendants. After six years of practicing plaintiff's personal injury in State and Federal Courts in New York and New Jersey, Mr. Grossman founded the law firm of Sanders and Grossman, P.C. in 1999 specifically to pursue claims for medical providers. This firm, and its successors, grew under his leadership. Mr. Grossman's law firms now represent thousands of medical providers litigating claims against insurance companies and employs over fifty attorneys and one hundred and fifty support staff. Mr. Grossman had a vision of uniting the medical profession by affording them the opportunity to litigate nominal claims that were being written off by medical providers as uncollectible and had not previously been practical for attorneys to handle. By coordinating discovery, utilizing the most up-to-date case management technology, recruiting top office administrators and trial attorneys, Mr. Grossman was able to greatly improve efficiencies throughout the litigation process and ultimately the viability of these claims.

By filing over 100,000 individual lawsuits, Mr. Grossman garnered the attention of the insurance industry and the medical profession in New York eventually leading to a series of mass settlements on behalf of his clients and recoveries in the hundreds of millions of dollars. In just 2007 and 2008, Mr. Grossman litigated, negotiated and recovered approximately 100 Million Dollars for his medical provider clients. The unique experience Mr. Grossman has garnered as an innovator and leader in the mass settlement of claims makes him a valuable addition to any Steering Committee. Mr. Grossman has also recovered millions of dollars for his mass tort clients.

Mr. Grossman's Law Firms also represent thousands of personal injury clients and many of his firm's almost fifty attorneys are experienced trial attorneys who have tried many cases to

verdict. Most recently, Mr. Grossman has represented hundreds of clients in mass torts, lead paint litigations, asbestos litigations and victims of defective drugs and products and currently represents approximately six-hundred Avandia victims, Case No. 1871, in the State of Pennsylvania, approximately four-hundred OxyContin victims in the State of New York, one-hundred Fosamax victims, two-hundred Yaz victims, three-hundred Levaquin victims and other large groups of plaintiffs in the following matters:

- In Re: New York Bextra and Celebrex Litigation in Supreme Court, New York County;
- MDL-1699, In Re: Bextra And Celebrex Marketing Sales Practices;
- MDL-1708, In Re Guidant Corp. Implantable Defibrillators Products Liability Litigation in Minnesota;
- MDL-1742, In Re Ortho Evra Products Liability Litigation in Ohio;
- Fosamax Litigation in Superior Court of the State of New Jersey, Hunterdon County;
- MDL-1789, In Re Fosamax Products Liability Litigation in New York;
- MDL-1804, In Re Stand 'N Seal, Products Liability Litigation where Mr. Grossman's Firm serves on the PSC.
- MDL-2096, Zicam Cold and Remedy Sales Practices Litigation; and
- MDL-1842, In re Kugel Mesh Hernia Patch Products Liability Litigation

Mr. Grossman is well known to counsel litigating their Vioxx, Levaquin and Fosamax cases in New Jersey as he has personally attended almost every Case Management Conference and every New Jersey Vioxx trial since joining the Vioxx litigation. He works extremely well with groups of attorneys. Until the recent settlement, he has also served as a liaison to the media as a member and on behalf the Vioxx PSC's Public Relations Committee, and as a liaison for the Committee to many financial institutions and governmental agencies, offering a common voice

for the hundreds of attorneys handling such cases and the tens of thousands of victims they represent. In 2009, Mr. Grossman was admitted to Eastern District of Pennsylvania.

Mr. Grossman currently serves on Avandia's Plaintiff Steering Committee. He is a member of the Committee's Third Party Discovery, Settlement, Class Action, Public Relations and Sales and Marketing Group. As part of the Avandia PSC, Mr. Grossman and his staff have reviewed over one-hundred discovery documents.


To date, Mr. Grossman has been retained by over a hundred alleged victims of Chantix. With such a large stake in this litigation, Mr. Grossman has an interest in seeing that this litigation is well organized and effectively managed. He has a willingness to dedicate substantial time to this litigation and the resources and ability to do so.

In addition to Mr. Grossman, many of his Partners and Associates have been involved in the above litigations and are prepared to dedicate substantial time and energy to serve on various Plaintiffs' Committees including Sales and Marketing, Settlement and Science.

Mr. Grossman himself has the time, the financial resources, the experience and the passion requisite to serving on this Steering Committee and would be honored if this application were granted.

WHEREFORE, Marc D. Grossman respectfully requests appointment to the Plaintiff's Steering Committee.

January 4, 2010
Mineola, NY



Marc D. Grossman, Esq.
Attorney ID: MG0730
Sanders Viener Grossman, LLP
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RICHARDSON, PATRICK,
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Elizabeth Middleton Burke
J. David Butler
Aaron R. Dias
Jerry Hudson Evans
Nina H. Fields
Thomas P. Gressette, Jr.
H. Blair Hahn
Daniel S. Haltiwanger
Matthew D. Hamrick
David Hendricks
Gregory A. Lofstead
Christiaan A. Marcum
Katie McElveen
Christopher J. Moore
Daniel O. Myers
Karl E. Novak
Kimberly Keevers Palmer
Charles W. Patrick, Jr.
Terry E. Richardson, Jr.
Thomas D. Rogers
A. Hoyt Rowell, III
Brady R. Thomas
T. Christopher Tuck
James L. Ward, Jr.
Edward J. Westbrook
Kenneth J. Wilson
Robert S. Wood

January 6, 2010

Honorable Inge P. Johnson
United States District Court
Northern District of Alabama
Hugo L. Black U.S. Courthouse
1729 5th Avenue North
Birmingham, AL 35203

Re: MDL No. 2092 – IN RE: Chantix (Varenicline) Products Liability
Litigation

Of Counsel:
Gordon C. Rhea (CA, DC & USVI only)
James H. Rion, Jr.
Howard Siegel (DC & MD only)
David L. Suggs (MN & NY only)

Dear Judge Johnson:

Please accept this correspondence as my Application for Appointment to the Plaintiffs' Steering Committee and Executive Committee in the above referenced action. I appreciate the opportunity to serve for the common benefit of Chantix plaintiffs, and certify that I will personally commit my time and energy to this challenging and intensive task as a matter of highest priority.

RPWB, LLC Involvement in Chantix Litigation

I am a founding partner in the firm of Richardson, Patrick, Westbrook & Brickman, LLC in Mt. Pleasant, South Carolina, a firm that specializes in mass tort litigation. In addition to being retained in over 400 Chantix cases, we are counsel of record in the following federal cases currently transferred to and pending before this Court:

Adams v. Pfizer, Inc. (MDL No. 2:09-cv-02182-IPJ)
Atkins v. Pfizer, Inc. (MDL No. 2:09-cv-02178-IPJ)
Etter v. Pfizer, Inc. (MDL No. 2:09-cv-02281-IPJ)
Fritts v. Pfizer, Inc. (MDL No. 2:09-cv-02056-IPJ)
Lacobie v. Pfizer, Inc. (MDL No. 2:09-cv-02079-IPJ)
Robinson v. Pfizer, Inc. (MDL No. 2:09-cv-02057-IPJ)
Wheeler v. Pfizer, Inc. (MDL No. 2:09-cv-02078-IPJ)
White v. Pfizer, Inc. (MDL No. 2:09-cv-02284-IPJ)

My firm has been involved in the Chantix litigation for the past 14 months. During this time, we have worked closely and have coordinated efforts with many other plaintiffs' counsel involved in this litigation and included in this joint petition. The Chantix litigation is a team effort for my firm. Our firm's attorneys and support staff of paralegals and computer specialists provide a depth of resources always available in support of the Chantix MDL.

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Letter to Johnson from Hahn

Re: MDL No. 2092 – IN RE: Chantix (Varenicline) Products Liability Litigation

January 6, 2010

About RPWB, LLC

Richardson Patrick represents plaintiffs in complex and class action litigation in federal and state courts across the nation. Please see the attached firm resume for details of this firm's prior experience in handling complex litigation throughout the United States and beyond. As part of the firm resume, please note the professional background information and experience of not only myself, but the other members of the firm who will be involved in this MDL along with me: Thomas D. Rogers, K. Elizabeth Burke, Christiaan A. Marcum and David L. Suggs.

By way of particulars with respect to myself, for more than a decade I have participated in a leadership capacity in numerous MDLs including pharmaceutical products and medical devices. My court-appointed positions have included Co-Chair of the Plaintiffs' Steering Committee of MDL-1001; IN RE: Temporomandibular Joint (TMJ) Implants Product Liability Litigation; class counsel for Backstrom v. Methodist Hospital, national class action in the Eastern District of Texas involving victims of jaw implants manufactured by Vitek, Inc.; Chairman of the Plaintiffs' Steering Committee for MDL-1098; IN RE: Masonite Corp Hardboard Siding Products Liability Litigation; class counsel for Ruff v. Parex, et al., North Carolina state class action involving exterior insulation finish systems; Plaintiffs' Steering Committee for MDL-1132; IN RE: Exterior Insulation Finish System (EIFS) Products Liability Litigation; class counsel for Ramey, et al. v. American Home Products Corporation, et al., a West Virginia Norplant class action; member of the 4 person settlement team resulting in a \$700 million settlement in MDL-1596; IN RE: Zyprexa Products Liability Litigation; Lead Counsel for MDL-1785; IN RE: Bausch & Lomb Inc. Contact Lens Solution Products Liability Litigation; and a member of the Plaintiffs' Steering Committee in MDL-1953; IN RE: Heparin Products Liability Litigation.

I have never been sanctioned by a court or bar association for any professional or ethical breach or otherwise. Historically, and in this case, I have consistently demonstrated my ability to work in a spirit of cooperation. My firm has participated in the organizational meetings and teleconferences held to this date to organize, structure and coordinate the efforts of counsel who represent various numbers of clients injured by Pfizer, Inc.

The MDL leadership experience summarized in this application demonstrates my commitment to conserve the resources of litigants and the court system through the cost and time savings of cooperative efforts toward common litigation goals. I have consistently endeavored to perform these responsibilities, under the demanding conditions that simply go with the MDL territory, and to give my best efforts to the broad array of tasks necessary to any successful MDL's function. I pledge to do so on behalf of the Chantix plaintiffs here.

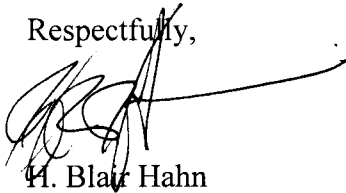
Page 3

Letter to Johnson from Hahn

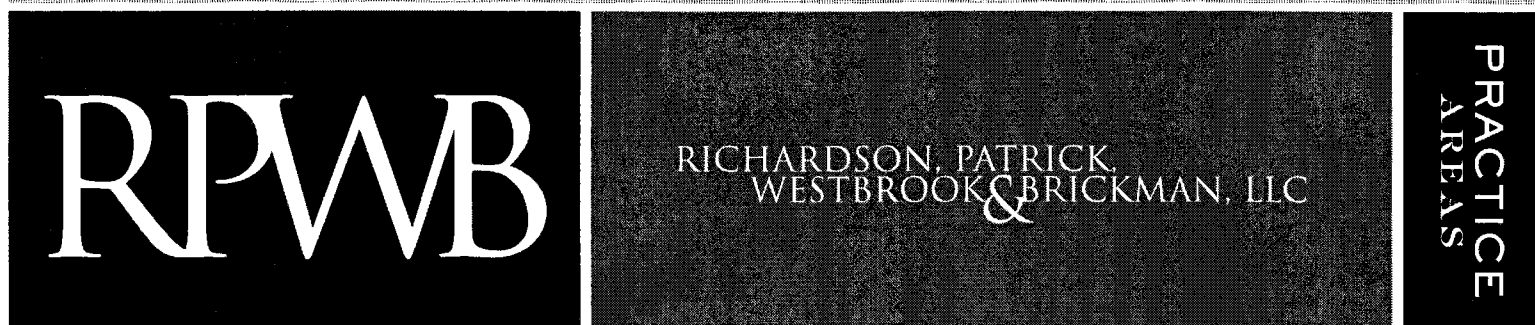
Re: MDL No. 2092 – IN RE: Chantix (Varenicline) Products Liability Litigation

January 6, 2010

Respectfully,

A handwritten signature in black ink, appearing to be "H. Blair Hahn", with a long horizontal stroke extending to the right.

H. Blair Hahn



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PRACTICE AREAS

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A. ABUSIVE TAX SHELTERS

Lawyers at RPWB represent clients in litigation against promoters of abusive tax shelters. KPMG and other major accounting firms promoted and sold a large number of tax strategies the IRS has listed as abusive tax shelters. The IRS publishes an ever-increasing collection of these "Listed Transactions" on its website at www.irs.gov, urging investors to come forward before the IRS finds them. These clients paid substantial fees for tax strategies that were represented as legitimate and now face severe tax liabilities as a consequence. Taxpayers who were sold tax reduction schemes that turn out to be "abusive" may have a claim against the promoter who sold them the shelter.

RPWB has teamed up with Marcus, Andreozzi & Fickess in Buffalo, New York to help investors recover damages from promoters of abusive tax shelters. Randy Andreozzi and Ed Fickess are former lead attorneys with the IRS Office of Chief Counsel and have litigated a number of landmark abusive tax shelter cases on behalf of the federal government.

13. ANTITRUST

RPWB has played a prominent role in enforcing federal and state antitrust laws designed to promote competition and, more importantly, prevent companies from price fixing and attempting other actions that could lead to monopolies and increased anti-competitive practices. Under federal antitrust laws, claims for damages are generally limited to individuals or companies who purchased goods or services directly from the company or person who violated the antitrust laws. However, many states allow consumers and other indirect purchasers to sue for damages resulting from anti-competitive conduct, even though they did not purchase the goods or services directly from the company or person who violated the antitrust laws.

RPWB has represented direct and indirect purchasers of goods in numerous markets that have been the subject of price fixing or other violations of antitrust laws. Notably, RPWB was appointed by the federal district court for the Southern District of New York to serve as co-lead counsel in the In Re: Magnetic Audiotape antitrust litigation, an action in which purchasers of magnetic audiotape alleged tape manufacturers had violated federal antitrust laws. RPWB recovered in excess of \$10 million on behalf of the class. In addition, RPWB currently has a lead role in lawsuits brought by direct and indirect purchasers of magnetic iron oxide, a product used to manufacture audiotape, videotape and other data storage tape. RPWB also has a lead role in a lawsuit against the Star ATM Network and member banks for illegally setting the price of ATM interchange and is participating in a lawsuit against Visa and MasterCard and their member banks for antitrust violations in connection with the setting of Point of Sale interchange.

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C. ASBESTOS

RPWB is well known for its continuing legal efforts in nearly every state in the U.S. to defend the rights of thousands of individuals harmed by exposure to asbestos. In the 1980s, when mesothelioma, a form of cancer caused by inhalation of asbestos fibers, was still virtually unknown to the public, our lawyers were already on the frontlines driving asbestos litigation against hundreds of shipping, manufacturing and construction-related companies.

RPWB asbestos attorneys have a long history of representing those exposed to asbestos and harmed in the work environment. With the trial expertise of our attorneys, we continue to be a leader in this area of law with some of the largest U.S. verdicts to date.

D. CLASS ACTIONS

Class actions involve one or more class representatives who agree to serve on behalf of themselves and other similarly situated individuals. Because class claims typically involve financial losses that are too small to bring as individual cases, state and federal statutes generally allow for such claims to be aggregated and for the class representatives to pursue relief for all class members. To that extent, class action cases provide a powerful tool for redressing systematic civil wrongs for various types of harm or loss resulting from corporate misconduct, consumer or business fraud and discrimination.

RPWB has extensive experience in the prosecution of class action litigation across the U.S. The firm has represented and continues to represent thousands of consumers in various state and federal court class actions throughout the nation. Since the firm's inception, RPWB attorneys have assisted class members in recovering in excess of \$250 million in settlements as well as an additional \$1 billion in consolidated settlements on claims arising in the U.S.

E. CONSUMER LENDING & FAIR CREDIT REPORTING ACT LITIGATION

Since its inception, RPWB has been an active defender of consumer rights in the face of predatory lending and credit practices. RPWB attorneys have been appointed class counsel in numerous state and federal cases involving predatory mortgage lending and have obtained over \$100 million in settlements for consumers. RPWB attorneys are conversant with federal and state lending laws and regulations and have managed complex federal actions, multidistrict litigation and multiple class actions in numerous states against major lending and banking institutions involved in predatory lending practices.

In 2004, RPWB attorneys Dan Myers, Hoyt Rowell and Chris Tuck, together with co-counsel, were named class counsel in the settlement of *Dundon v. U.S. Bank*, which paid a total of \$30 million in settlements to class members for violations of Illinois law. RPWB attorneys have also been named class counsel or participated in cases that have led to significant decisions regarding the operation of federal lending laws. RPWB continues to pursue claims on behalf of borrowers whose loans were made in violation of state and federal law.

F. ENVIRONMENTAL

RPWB is deeply committed to fighting for a clean and healthy environment. In recent years, state and territorial governments have begun exercising their rights under federal and local laws to recoup damages for loss of natural resources (Natural Resource Damage or NRD) caused by the release of hazardous substances into the environment. In addition to the costs of clean-up and remediation, NRD remedies include monetary compensation for damaged natural resources, which run the gamut from polluted surface and groundwater to the destruction of wildlife habitat.

Drawing on its expertise in litigating major contamination cases and experience challenging big polluters, we have created a team of lawyers, experts and paralegals dedicated to prosecuting environmental cases on behalf of governmental entities and aggrieved citizens. Recently, RPWB has also focused on the intrusion of trichloroethylene (TCE) and benzene vapors into homes from underlying groundwater contamination. Environmental litigation is a challenging and evolving legal specialty—RPWB is proud to be on the forefront of this effort on a national scale.

II. GENERAL LITIGATION

In addition to the specific practice areas outlined herein, RPWB attorneys have extensive trial experience and are committed to helping clients in the following areas.

BUSINESS LITIGATION: Our business litigation attorneys represent businesses and individuals in complex business tort and commercial litigation cases. These cases include claims for breach of contract, fraud, misrepresentation, unfair competition and deceptive trade practices. The disputes are often between competitors, partners, shareholders, lenders and borrowers, franchisees and franchisors, and related commercial disputes. In general, business tort and commercial litigation cases are extremely complex and require an immense knowledge of both law and business. RPWB attorneys not only have this knowledge, they have the significant staff and financial resources to investigate and prepare these cases for successful resolution.

NURSING HOME ABUSE AND NEGLECT: While there are many excellent nursing home facilities across the country, there are also those that put profits before patients. In these facilities, the result can often be neglectful or abusive treatment of a resident, family member or friend. Our nursing home attorneys are able to recognize the signs of abuse and neglect and are knowledgeable about the federal and state regulations that govern these facilities. This enables us to protect patients from harmful treatment and seek recovery for those who are abused and neglected.

HEALTHCARE FRAUD: Healthcare fraud is a major problem in the U.S. as fraud by medical providers drives up the costs of medical care and insurance. When medical service providers defraud individuals or the government, we all lose. Our healthcare fraud attorneys help victims protect their rights under all available federal and state laws, including the False Claims Act, which allows individuals with inside information of fraud against the government to file a suit.

WHISTLEBLOWER: The False Claims Act allows people who have inside information of fraud against the government to file a suit to help stop the fraud. The purpose of the False Claims Act is to encourage private individuals – sometimes referred to as “whistleblowers” – who are aware of fraud to alert the government and minimize the drain on taxpayers’ funds. If the case is successfully resolved against the defendant, the whistleblower is entitled to up to 30 percent of the government’s recovery as an award for coming forward. Moreover, the False Claims Act prohibits employers from retaliating against whistleblowers and allows whistleblowers who are retaliated against to sue for damages. RPWB attorneys have proven expertise in representing whistleblowers.

SILICOSIS: Frequently overlooked or misdiagnosed, silicosis causes incurable lung disease and kills thousands of people every year. More than one million American workers are exposed to silicosis-producing dust; more than 50,000 will develop a disease, even though methods to prevent the disease have been known to employers for centuries. Our silicosis attorneys are on the forefront of the fight against silica suppliers, premises owners, equipment manufacturers and respirator manufacturers.

For a more detailed description on these practice areas, visit www.rpwb.com.

G. ERISA CASH BALANCE PLAN LITIGATION

In recent years, many companies have converted defined benefit retirement plans to cash balance defined benefit plans. Under the traditional defined benefit plans, employees would obtain retirement benefits after a certain number of years of service. The benefits were typically calculated under factors that included years of participation and the employee’s annual pay. A cash balance plan, by contrast, combines some attributes of a 401(k) plan and a pension plan. During the conversion to cash balance plans, some companies improperly calculated employee benefits. Our attorneys are actively involved in ERISA cash balance conversion litigation to assist plan participants who have suffered an improper erosion of their retirement benefits.

I. MUTUAL FUND LITIGATION

RPWB is dedicated to protecting mutual fund investors from fee gouging and dishonest conduct by mutual fund advisors. Millions of Americans today invest their retirement savings, college savings and life savings in mutual funds — a \$9 trillion business. The scandals of the past few years involving late trading, market timing and revenue sharing demonstrate that not enough is being done to protect investors.

Mutual funds are overseen by boards of directors who are supposed to be independent from the advisors who run the mutual funds and are charged with looking out for the interests of mutual fund investors. Unfortunately, these “watchdogs” often serve as nothing more than lackeys and rubberstamps for the advisors. Market timing and other publicized abuses are only a few of the many ways mutual fund investors can suffer when directors do not perform their duties and allow the advisors to take advantage of the mutual funds they manage.

J. PHARMACEUTICAL DRUGS AND MEDICAL DEVICES

RPWB is nationally recognized for representing individuals who have been harmed by side effects from both prescription and non-prescription drugs and medical devices. RPWB attorneys currently serve on various national Plaintiffs’ Steering Committees for consolidated litigations involving the pharmaceutical drugs Baycol, Rezulin, Phenylpropanolamine (PPA) and Zyprexa, and the firm is currently involved in litigating Vioxx and Ortho Evra cases across the country.

The firm played an integral role in litigating and negotiating a \$700 million settlement with Eli Lilly in 2005 arising out of thousands of Zyprexa-related injuries. In addition, the firm represents multiple states, through their respective Attorneys General, for the reimbursement of Medicaid and Medicare funds used to treat the victims of Zyprexa-related injuries. RPWB attorneys are also involved in national multidistrict litigations (MDLs) involving devices such as breast, hip and jaw implants, and formerly served on the Plaintiffs’ Steering Committee for a class action involving the Norplant contraceptive system.

K. PRODUCTS AND PREMISES LIABILITY

RPWB has earned a national reputation representing individuals and entities that have been harmed or suffered a loss as a result of defective products and dangerous premises. These cases typically involve catastrophic personal injury, wrongful death and/or property damage. RPWB has litigated class actions and individual cases involving defects in numerous products, including automobiles, aircraft, consumer appliances, machinery and prescription drugs. Many of these cases have been designated by the courts as complex or transferred to multidistrict litigation. Our products liability attorneys have the knowledge, experience and resources to successfully handle these cases.

L. RAILROAD ACCIDENTS

RPWB lawyers have experience in both railroad crossing accident and train derailment litigation, which can be very complex due to the many regulations governing railroad operation and maintenance. Negligence and liability issues are complex and often require experts in the field to conduct proper analysis and testing of engineering and human factors and rail operations. In 2005, RPWB was appointed co-lead counsel in the consolidated cases arising from the Graniteville, South Carolina train derailment and chemical spill in which nine people were killed, hundreds injured and almost 5,500 more evacuated.

RPWB attorneys also have experience in representing injured railroad workers under the Federal Employer’s Liability Act (FELA) which provides injured railroad employees an avenue to recover lost wages, medical expenses, pain and suffering and long-term physical and financial support in the event the injured employee is unable to return to work.

M. SECURITIES FRAUD

RPWB is dedicated to helping investors recover losses caused by corporate fraud or securities account mismanagement. The firm has played a lead role in numerous complex, and often ground-breaking, litigation matters on behalf of stockholders and other victims injured by corporate fraud, breaches of fiduciary duty and financial wrongdoing.

The firm has been at the forefront of protecting shareholders’ investments by aggressively pursuing claims against brokerage firms for providing unfounded investment advice and for failing to disclose conflicts of interest, and claims against brokerage firms and individual brokers for fraudulent and negligent mismanagement of investor accounts. RPWB is also prominently involved in derivative cases and protecting mutual fund investors against excessive advisory fee abuses.

N. TOBACCO

Collectively, the attorneys at RPWB bring decades of experience in tobacco litigation to the courtroom. Several RPWB attorneys played prominent roles in the nationwide litigation that led to a historic settlement between the Attorneys General of all 50 states and the tobacco industry to recover healthcare costs of smoking-related diseases. Since coming together at RPWB, the attorneys on the tobacco team have focused on one of the most pervasive frauds perpetuated by the tobacco industry: the false marketing of "light" cigarettes.

In *Pricer v. Philip Morris*, RPWB attorneys helped win a landmark \$10.1 billion consumer fraud judgment against Philip Morris. This Illinois case was the first to hold a tobacco company accountable for decades of deceptive labeling of cigarettes as "light" or "lowered tar." RPWB attorneys presented evidence that Philip Morris' "light" brands were just as harmful, and in certain aspects, more harmful than its regular brands. Within weeks of the verdict, Philip Morris declared it was removing the phrase "Lowered Tar and Nicotine" from packages of its best-selling brand, Marlboro Lights. At this time, RPWB has similar cases pending against both R.J. Reynolds Tobacco Company and Brown & Williamson.

For its work in *Pricer v. Philip Morris*, the entire RPWB tobacco team was nominated in 2003 for the Trial Lawyer of the Year Award by Trial Lawyers for Public Justice.

In pursuing claims against the tobacco industry, RPWB attorneys have worked closely with the leading public health authorities and experts around the world. They bring skill, passion and dedication to the fight against the tobacco industry for its part in creating the great public health crisis of cigarette smoking.

O. TRUCK ACCIDENTS

RPWB has the tractor trailer litigation experience necessary to make certain our clients' rights are protected. Accidents involving tractor trailers — commonly called 18 wheelers — are some of the most devastating wrecks on our roadways. When a tractor trailer and a car collide, it is very likely the accident will result in death or severe injury of a passenger in the automobile.

In the legal realm, tractor trailer wrecks are not treated as ordinary car accidents. Laws and regulations that apply to tractor trailers and their operators are different from those in typical car-to-car accidents. RPWB is distinctly prepared to prosecute tractor trailer lawsuits.

P. VEHICLE DEFECTS

RPWB has litigated dozens of cases against most of the major manufacturers of automobiles and SUVs. Our attorneys have successfully resolved claims for deaths and injuries resulting from vehicle rollovers, tire detreads, roof crushes, seatbelt unbuckling, airbag injuries and park-to-reverse transmission slips.

Our attorneys have the experience to identify vehicle defects that may have caused what otherwise appears to have been an ordinary accident. We also know the important steps that should be immediately taken to preserve evidence necessary to prove a defect case.

Q. WHITE COLLAR CRIMINAL DEFENSE

Our attorneys have extensive experience representing corporations, as well as their officers and directors, in connection with investigations of potential wrongdoing. Gordon Rhea, the group's lead attorney, has extensive experience as a former Assistant United States Attorney in Washington, D.C. Another member of the team, Tom Gressette, has served as an Assistant Federal Public Defender.

Our white collar criminal defense attorneys have a record that demonstrates they understand the intricacies of representing clients accused of fraud, conspiracy, tax evasion, racketeering and illegally structuring financial transactions. Our goal in defending clients accused of crimes is to avoid indictments and adverse publicity. Should an indictment occur, we wage a vigorous and tenacious defense at trial, and, if necessary, at sentencing and on appeal.

MULTIDISTRICT LITIGATION EXPERIENCE

RPWB attorneys have played a lead role in the following multidistrict litigations:

AIR CRASH AT CHARLOTTE INTERNATIONAL AIRPORT
Joy Ward, Plaintiffs' Liaison Counsel

BAUSCH & LOMB CONTACT LENS SOLUTION

Blair Hahn, Lead Plaintiffs' Counsel

Tom Rogers, Chair, Plaintiffs' Science Committee

Joy Ward, Plaintiffs' Discovery Committee, Law Committee Co-Chair

BREAST IMPLANTS

Blair Hahn, Plaintiffs' Discovery Committee

COLUMBIA HCA

Hoyt Rowell, Plaintiffs' Steering Committee & Co-Lead Plaintiffs' Counsel

COPLEY PHARMACEUTICAL CONTAMINATED ALBUTEROL

David Suggs, Plaintiffs' Steering Committee, Science Committee,

Discovery Committee & Trial Counsel

DIET DRUG-FEN PHEN

David Suggs, Plaintiffs' Discovery Committee & Science Committee

EIFS STUCCO

Blair Hahn, Plaintiffs' Steering Committee

Hoyt Rowell, Plaintiffs' Steering Committee

HMO

Blair Hahn, Plaintiffs' Steering Committee

HOUSEHOLD GOODS MOVERS FUEL SURCHARGES

Hoyt Rowell, Co-Lead Plaintiffs' Counsel

Howard Siegel, Co-Lead Plaintiffs' Counsel

Robert Wood, Plaintiffs' Steering Committee

JAW IMPLANTS

Blair Hahn, Plaintiffs' Steering Committee & Co-Lead Plaintiffs' Counsel

LOUISIANA PACIFIC

Hoyt Rowell, Plaintiffs' Steering Committee

L-TRYPTOPHAN

Tom Rogers, Plaintiffs' Steering Committee & Liaison Counsel

David Suggs, Plaintiffs' Discovery Committee

MASONITE

Blair Hahn, Plaintiffs' Steering Committee & Lead Plaintiffs' Counsel

MOTOR FUEL TEMPERATURE SALES PRACTICES

Michael Brickman, Plaintiffs' Steering Committee & Offensive Discovery Committee

MTBE

Hoyt Rowell, Plaintiffs' Steering Committee

NORPLANT

Tom Rogers, Plaintiffs' Steering Committee

Blair Hahn, Plaintiffs' Discovery Committee

David Suggs, Plaintiffs' Discovery Committee & Science Committee

OMNIFLOX

Tom Rogers, Plaintiffs' Steering Committee & Co-Lead Plaintiffs' Counsel

ORTHO EVRA

Tom Rogers, Plaintiffs' Steering Committee

David Suggs, Plaintiffs' Science Committee

PBA

Tom Rogers, Plaintiffs' Steering Committee

David Suggs, Co-Chair Plaintiffs' Discovery Committee & Science Committee

REZULIN

Tom Rogers, Plaintiffs' Steering Committee

TELECTRONICS

Tom Rogers, Plaintiffs' Steering Committee

WACHOVIA OPTION ARM

Hoyt Rowell, Plaintiffs' Executive Committee

ZONOLITE ATTIC INSULATION

Ed Westbrook, Plaintiffs' Steering Committee

ZYPREXA

Tom Rogers, Plaintiffs' Steering Committee

Blair Hahn, Plaintiffs' Science Committee & Negotiating Committee

Christiaan Marcum, Plaintiffs' Science Committee & Law and Briefing Committee

David Suggs, Plaintiffs' Science Committee & Discovery Committee

CLASS COUNSEL EXPERIENCE

RPWB attorneys have been appointed class counsel in the following representative litigations:

ALFORD V. MEGO MORTGAGE HOME LOAN TRUST 1997-1, Case No. 27-CV-06-2262 (Hennepin Co., MN). Dan Myers was named lead class counsel. Hoyt Rowell and Chris Tuck were named class counsel.

BANKS V. FIRSTPLUS ASSET BACKED CERTIFICATES 1995-2, Case No. 05-6583 (Hennepin Co., MN). Dan Myers was named lead class counsel. Hoyt Rowell and Chris Tuck were named class counsel.

BATES V. TENCO, 132 F.R.D. 160 (D.S.C. 1990). Ed Westbrook was named class counsel for only known toxic tort class action certified against the United States.

BERRY V. EMPIRE FUNDING HOME LOAN OWNER TRUST 1997-1, Case No. 27-CV-06-2263 (Hennepin Co., MN). Dan Myers was named lead class counsel. Hoyt Rowell and Chris Tuck were named class counsel.

BESS V. GERMAN AMERICAN CAPITAL CORP., Case No. 24-C-04-003-888 (Baltimore Co., MD). Dan Myers was named lead class counsel. Hoyt Rowell and Chris Tuck were named class counsel.

THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS; THE STATE OF OKLAHOMA; THE STATE OF MONTANA; THE CITY OF BALTIMORE, MARYLAND; THE CITY OF PANAMA CITY, FLORIDA; ANOKA COUNTY, MINNESOTA; THE CITY OF COLUMBIA, SOUTH CAROLINA; AND THE CITY OF GOLDSBORO, NORTH CAROLINA, V. MCKESSON CORPORATION, ET. AL., (U.S.D. M.A.), Case No. 08-11349. Jay Ward was named co-lead counsel.

BROWN V. MARTIN MARIETTA, Case No. 2001-CP-08-2559 (Berkeley Co., SC). Ed Westbrook was named lead counsel for class action involving underground aquifer degradation.

CATES V. U.S. BANK, Case No. 04-6202 (Hennepin Co., MN). Dan Myers was named lead class counsel. Hoyt Rowell and Chris Tuck were named class counsel.

CENTRAL WESLEYAN COLLEGE V. W.R. GRACE & CO., 143 F.R.D. 628 (D.S.C. 1992), aff'd, 6 F.3d 1177 (4th Cir. 1993). Ed Westbrook was named co-lead counsel for certified class of nation's colleges seeking asbestos abatement costs.

DUNDON V. U.S. BANK, Case No. 01-CV-408-GPM (S.D. Ill.). Dan Myers and Chris Tuck were named class counsel.

GRAY V. GENERAL MOTORS CORP., Case No. 02-CP-95-294 (Hampton Co., SC). Terry Richardson was named class counsel.

GUNNELLS V. FIDELITY GROUP, INC., Case No. 2:98-2659-23 (D.S.C.). Michael Brickman and Christian Hartley were named class counsel.

HILL V. FIRSTPLUS BANK, Case No. 02CC00296 (Orange Co., CA). Dan Myers was named class counsel.

HESS, ET AL. V. VOLKSWAGEN OF AMERICA, INC., Case No. CJ-05-205 (Pottawatomie Co., OK), certification aff'd by Court of Civil Appeals, Case No. 106, 132, Division IV, 2009 OK APP. ___, P.3d ___. Hoyt Rowell and Chris Tuck were named class counsel.

IN RE: ATM FEE ANTITRUST LITIGATION, Case No. 3:04-CV-02676 (ORB). Michael Brickman, Kimberly Keever Palmer and David Hendricks were named class counsel.

IN RE: ASBESTOS SCHOOL LITIGATION, 789 F.2d 996 (3rd Cir. 1986), CERT. DENIED, 107 S. Ct. 182 (1986). Ed Westbrook was a member of Plaintiffs' Executive Committee in national class action for elementary and secondary school asbestos removal.

IN RE: DJK RESIDENTIAL, LLC., Case No. 08-10375, (Bankr. S.D. N.Y.). Chris Tuck was named co-lead class counsel.

IN RE: GRANITEVILLE TRAIN DERAILMENT (CURTIS V. NORFOLK SOUTHERN RAILWAY CO.), Case No. 1:05-115-MBS (Aiken Co., SC). Terry Richardson was named co-lead class counsel.

IN RE: MAGNETIC AUDIOTAPE ANTITRUST LITIGATION, Case No. 99-CV-1580 (LMM) (S.D.N.Y.). Michael Brickman was named co-lead class counsel.

JONES V. NOVASTAR HOME MORTGAGE, INC., Case No. 24-G-04-009317 (Baltimore Co., MD). Dan Myers was named co-lead class counsel.

LEWIS V. SOVO GROUP, INC., Case No. EDCV 06-699 VAP (C.D. C.A.). Chris Tuck was named class counsel.

MASQUAT V. DAIMLERCHRYSLER CORP., Case No. CJ-05-106 (Pottawatomie Co., OK), certification aff'd at 195 P.3d 38 (Okla. 2008). Chris Tuck was named class counsel.

OLVERA V. NORFOLK SOUTHERN RAILWAY, CO., Case No. 1:06-CV-3597-MBS (D.S.C.). Terry Richardson was named co-lead class counsel.

PRICE V. PHILIP MORRIS INC., Case No. 00-L-112 (Madison County, IL). Michael Brickman, Kim Keever, Greg Lofstead, Jerry Evans, Jim Bradley and Nina Fields were named class counsel.

TOWNSEND V. GMAC RESIDENTIAL FUNDING CORP., Case No. 03-L-742 (St. Clair Co., IL). Hoyt Rowell and Dan Myers were named class counsel.

WAXLER TRANSPORTATION CO. V. TRINITY MARINE PRODUCTS, INC., Case No. 49-741 (25th Jud. Dist. Ct. for the Parish of Plaquemines, LA). Ed Westbrook and Jay Ward were named class counsel.

WILLIAM HOFFMAN V. AMERICAN EXPRESS TRAVEL RELATED SERVICES CO. INC., ET AL., Case No. 2001-022881 (Superior Court for the State of California, Alameda County). Michael Brickman, Kimberly Keever Palmer and David Hendricks were named class counsel.

RPWB GOVERNMENTAL REPRESENTATION

ZYREXA

State of Alaska v. Eli Lilly & Co., Superior Court for the State of Alaska, Third Judicial District at Anchorage, Civil Action No. 3AN-06-05630 CI.

State of Idaho v. Eli Lilly & Co., Not Filed.

State of Utah v. Eli Lilly & Co., Third Judicial District Court of Salt Lake County, Utah,

Civil Action No. 070907357.

State of West Virginia v. Eli Lilly & Co., Circuit Court of Mason County, West Virginia,

Civil Action No. 06-C-31-N.

U.S. TOBACCO

State of Florida v. American Tobacco Co., Case No. 95-1466AH (FL).

State of Hawaii v. Brown & Williamson Tobacco Corp., Case No. 97-0441-01 (HI).

Commonwealth of Massachusetts v. Philip Morris, Inc., Case No. 95-7378-J (MA). *State of Michigan v. Philip Morris, Inc.*, Case No. 96-84281-CZ (MI).

State of Mississippi Tobacco Litigation, Case No. 94-1429 (MS).

State of New Jersey v. R.J. Reynolds Tobacco Co., Case No. G-254-96. (NJ). *State of Ohio v. Philip Morris, Inc.*, Case No. 97-CVH05-5114 (OH).

State of Oklahoma v. R.J. Reynolds Tobacco Co., Case No. CJ-96-1499-L(H) (OK).

Commonwealth of Puerto Rico v. Brown & Williamson Tobacco Corp., Case No. 97-1910 (JAF) (D.P.R.).

State of South Carolina v. Brown & Williamson Tobacco Corp., Case No. 97-CP-40-1686 (SC).

State of Texas v. American Tobacco Co., Case No. 5:96CV91 (E.D. TX).

State of West Virginia v. American Tobacco Co., Case No. 94-C-1707 (WV).

ASBESTOS PROPERTY DAMAGE

In re: State and Regents' Building Asbestos Cases, First Judicial District Court, State of Minnesota, Case Nos. 99091 & 99082.

In Re: State of West Virginia Public Building Asbestos Litigation, West Virginia Circuit Court, Civil Action No. 86-C-458.

The Port Authority of New York and New Jersey (formerly known as "The Port of New York Authority") and Port Authority Trans-Hudson Corporation v. Allied Corporation, et al., United States District Court, Southern District of New York, 91 Civ. 0310 (CLB) (MDF).

NEW JERSEY NRD

New Jersey Department of Environmental Protection and the Administrator of the New Jersey Spill Compensation Fund v.

Honeywell International, Inc., et al., Superior Court of New Jersey, Bergen County, Docket No. L-2764-05.

Ames Rubber Corp., Superior Court of New Jersey, Sussex County, Docket No. L-213-06.

BASF Corp., et al., Superior Court of New Jersey, Passaic County, Docket No. L-5151-05.

Charles Besler Co., et al., Superior Court of New Jersey, Essex County, Docket No. L-3203-05.

Saint-Gobain Performance Plastics Corp., et al., Superior Court of New Jersey, Passaic County, Docket No. L-1685-05.

Cumberland Farms, Inc., et al., Superior Court of New Jersey, Ocean County, Docket No. L-1234-06.

Gvaudan Fragrances Corp., et al., Superior Court of New Jersey, Passaic County, Docket No. L-423-06.

Pechter & Baking Group LLC, et al., Superior Court of New Jersey, Hudson County, Docket No. L-4971-05.

Carlisle Companies, Inc., et al., Superior Court of New Jersey, Bergen County, Docket No. L-000035-06.

Dixie Company, Inc., et al., Superior Court of New Jersey, Bergen County, Docket No. L-508-06.

Bayer Corp., et al., Superior Court of New Jersey, Passaic County, Docket No. L1685-0.

Viacom, Inc., et al., Superior Court of New Jersey, Essex County, Docket No. L1486-06.

Bayer Groscience, Inc., et al., Superior Court of New Jersey, Middlesex County, Docket No. L-005790-07.

Scaly Corp., as the Successor-In-Interest to Stearns and Foster Bedding Corp., et al., Superior Court of New Jersey, Middlesex, Docket No. L-2948-06.

Minnesota Mining & Manufacturing Co., et al., Superior Court of New Jersey, Burlington County,

Docket No. L-528-06.

VIRGIN ISLANDS NRD

Commissioner of the Department of Planning and Natural Resources, Robert S. Mathes, in his Capacity as Trustee for Natural Resources of the Territory of the United States Virgin Islands v. Century Alumina Co., et al., United States District Court of the Virgin Islands, Division of St. Croix, Civil Action No. 2005/62.

Commissioner of the Department of Planning and Natural Resources v. St. Croix Alumina, L.L.C., Superior Court of the Virgin Islands, Division of St. Croix, Civil No. 730/06.

Commissioner of the Department of Planning and Natural Resource v. Virgin Islands Alumina Co., et al., Superior Court of the Virgin Islands, Division of St. Croix, Civil No. 2006/772.

United States Virgin Islands, Department of Planning and Natural Resources v. St. Croix Renaissance Group, L.L.P., United States District Court of the Virgin Islands, Division of St. Croix, Civil Action No. 2007/0114.

Government of the United States Virgin Islands; Department of Planning and Natural Resources; and Commissioner Robert S. Mathes, in his capacity as Trustee for Natural Resources of the Territory of the United States Virgin Islands v. Vulcan Materials Co., et al., United States District Court of the Virgin Islands, Division of St. Thomas and St. John, Civil No. 2006/170.

Robert S. Mathes, Commissioner of the Virgin Islands Department of Planning and Natural Resources, in his capacity as Trustee for Natural Resources of the Territory of the United States Virgin Islands, and in his capacity as Assignee of the Claims of L'Henri, Inc. v. Vulcan Materials Co. and The Dow Chemical Co., United States District Court of the Virgin Islands, Division of St. Thomas and St. John, Civil No. 2006-229.

NEW JERSEY MTBE

New Jersey Department of Environmental Protection v. Hess Corp., et al., Superior Court of New Jersey, Mercer County, Docket No. L-1622-07.

PUERTO RICO MTBE

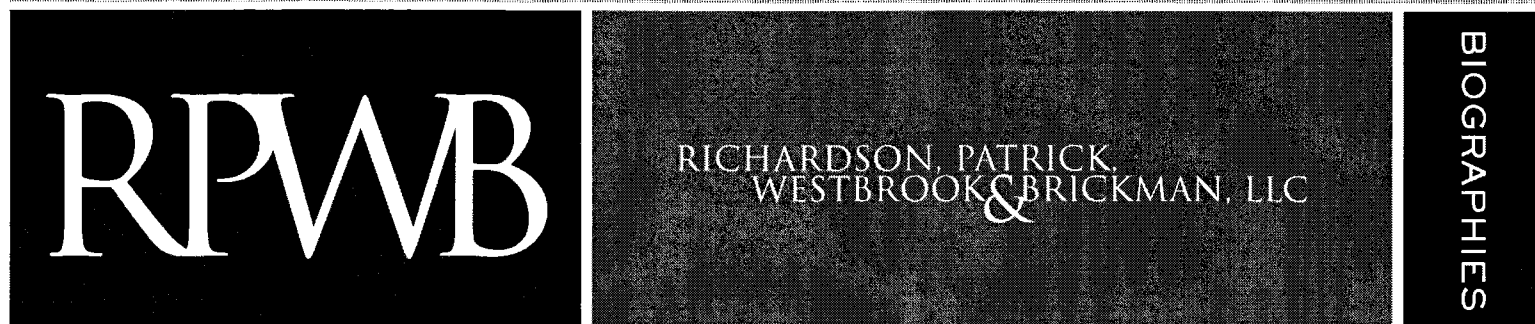
Commonwealth of Puerto Rico and Commonwealth of Puerto Rico through the Environmental Quality Board v. Shell Oil Co., et al., United States District Court, District of Puerto Rico, Case No. 07-1595(ccc).

ONLINE TRAVEL TAX CASE

Lake County Convention & Visitors Bureau, et al. v. Hotels.com LP, et al., United States District Court for the Northern District of Indiana, Case No. 2:06cv207.

MCKESSON PRESCRIPTION DRUG MARK-UP

Board of County Commissioners of Douglas County, Kansas; The State of Montana; The State of Oklahoma; City of Baltimore, Maryland; City of Panama City, Florida; Anoka County, Minnesota; City of Columbia, South Carolina; and City of Goldsboro, North Carolina v. McKesson Corporation, United States District Court for the District of Massachusetts, Case No. 08-11349.



_____ BIOGRAPHIES _____

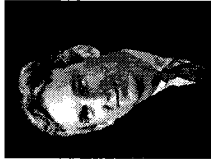
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MICHAEL J. BRICKMAN, (MEMBER)

Born: Charleston, South Carolina, April 17, 1954; admitted in South Carolina, U.S. District Court, District of South Carolina; U.S. Court of Appeals, Fourth Circuit; U.S. Court of Appeals, Eleventh Circuit; Supreme Court of South Carolina. *Education:* Harvard University (B.A., magna cum laude, 1975); University of South Carolina (J.D., cum laude, 1978). *Order of Wig and Robe.* Recipient, Herbert Hoefler Scholarship. Member, University of South Carolina Law Review, 1977-1978. Law Clerk to the Honorable Clyde Robinson, South Carolina Circuit Court Judge, 1977; Law Clerk to the Honorable Charles E. Simons, Jr., U.S. District Court, District of South Carolina, 1978-1979. Former Assistant County Attorney, Charleston County. Former Shareholder, Ness, Motley, Loadholt, Richardson & Poole, P.A., Charleston, South Carolina. *Member:* American Association for Justice (formerly ATLA); American Bar Association; Charleston County Bar Association; South Carolina Bar; South Carolina Trial Lawyers Association; Trial Lawyers for Public Justice (Finalist, 2003 Trial Lawyer of the Year). *Practice Areas:* Antitrust; Asbestos; Class Actions; Complex Litigation; Consumer Fraud; Mass Torts; Products Liability; Securities; Tobacco; Toxic Torts.

CHARLESTON			
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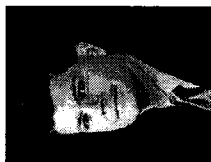
ELIZABETH MIDDLETON BURKE, (MEMBER)

Born: Hartsville, South Carolina, January 8, 1972; admitted in South Carolina, U.S. District Court, District of South Carolina. *Education:* College of Charleston (B.A., Honors College, 1994). Departmental Honors in English; University of South Carolina (J.D., 1997); Law Clerk to the Honorable Paula H. Thomas, South Carolina Circuit Court, 1997-1998. *Member:* American Association for Justice (formerly ATLA), New Lawyers Division, Secretary, 2001; College of Charleston Alumni Association Executive Board (2004-2006); National College of Advocacy Board of Trustees (2005-2008); South Carolina Bar; South Carolina Trial Lawyers Association. *Practice Areas:* Mass Torts; Pharmaceutical Drug and Medical Device Litigation; Products Liability.

OF COUNSEL			
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DAVID L. SUGGS	DIRECT #: 952.956.2219	E-MAIL: dsuggs@rpwb.com	
ROBERT M. TURKEWITZ	DIRECT #: 843.727.6672	E-MAIL: rturkewitz@rpwb.com	

J. DAVID BUTLER, (MEMBER)

Born: Ft. Walton Beach, Florida, April 17, 1966; admitted in South Carolina; U.S. District Court, District of South Carolina. *Education:* Florida State University (B.S., 1989); University of South Carolina (J.D., 1993). *Member:* American Association for Justice (formerly ATLA); American Bar Association; South Carolina Bar; South Carolina Trial Lawyers Association. *Practice Areas:* Asbestos; Complex Litigation; FELA; Mass Torts; Occupational Disease; Toxic Torts.

**JERRY HUDSON EVANS, (MEMBER)**

Born: Easley, South Carolina, May 14, 1959; admitted in South Carolina; U.S. Virgin Islands; U.S. District Court, District of South Carolina; U.S. Court of Appeals, Fourth Circuit. *Education:* Eastman School of Music (B.M., 1981); Indiana University (M.M., 1984); University of South Carolina (J.D., cum laude, 1996). *Order of the Coif;* Moot Court Board, Articles Editor. *South Carolina Law Review.* *Member:* American Constitution Society; South Carolina Trial Lawyers Association; Finalist, 2003 Trial Lawyer of the Year, Trial Lawyers for Public Justice. *Practice Areas:* Abusive Tax Shelters; Consumer Fraud; Environmental; Toxic Torts.

**H. BLAIR HAHN, (MEMBER)**

Born: Chapel Hill, North Carolina, November 26, 1958; admitted in South Carolina; U.S. District Court, District of South Carolina. *Education:* North Carolina State University (B.A., 1980); University of South Carolina (J.D., 1992). *Former Member,* Ness, Moiley, Lordholt, Richardson & Poole, P.A., Charleston, South Carolina. *Member:* American Association for Justice (formerly ATLA); South Carolina Bar (Executive Council, Young Lawyers Division, 1993-1994); South Carolina Trial Lawyers Association. *Practice Areas:* Class Actions and Multidistrict Litigation (MDL); Personal Injury; Pharmaceutical and Medical Device Litigation; Products Liability.

**DANIEL S. HALTIWANGER, (MEMBER)**

Born: Columbia, South Carolina, February 12, 1973; admitted in South Carolina. *Education:* University of Virginia (B.A., 1995); University of South Carolina (J.D., 1998). *Order of the Coif;* Order of Wig and Robe; Dean's List; Recipient, American Jurisprudence Awards, Securities Regulation and Constitutional Law. *Member,* Editorial Board, South Carolina Law Review. *Law Clerk* to the Honorable Jean H. Toal, Chief Justice, South Carolina Supreme Court, 1998-2000. *Adjunct Professor,* Legal Writing, University of South Carolina, 1999-2000. *Editor,* South Carolina Damages Treatise, Vols. 1 & 2, South Carolina Bar. *Member:* South Carolina Bar; South Carolina Trial Lawyers Association. *Practice Areas:* Class Actions; Commercial Vehicle Liability; Constitutional Law; Environmental; Healthcare; Mass Torts; Products Liability; Securities Litigation; Toxic Torts.

**GREGORY A. LOFSTEAD, (MEMBER)**

Born: Morgantown, West Virginia, July 18, 1969; admitted in South Carolina; U.S. District Court, District of South Carolina. *Education:* West Virginia University (B.A., cum laude, 1992); Phi Alpha Delta, Pi Sigma Sigma. *Golden Key National Honor Society;* West Virginia University (J.D., 1996). *Member:* American Bar Association; South Carolina Bar; South Carolina Trial Lawyers Association; Finalist, 2003 Trial Lawyer of the Year, Trial Lawyers for Public Justice. *Practice Areas:* Silicosis; Tobacco; Toxic Torts.



**DANIEL O. MYERS, (MEMBER)**

Born: Livonia, Michigan, September 12, 1963; admitted in South Carolina; Michigan; U.S. District Court, Northern District of Indiana, U.S. District Court, Southern District of Indiana; U.S. Court of Appeals, Seventh Circuit. *Education:* Michigan State University (B.A., 1985; M.A., 1990); University of Notre Dame (J.D., 1993). *Law Clerk to the Honorable William G. Hussian, U.S. Magistrate Judge, 1993-1996.* Recipient, Mead Data Central Research & Writing Award, 1991; John Bruce Dodds Scholar, 1991. *Legal Writing/Moot Court Teaching Assistant, 1992-1993. Member:* Charleston County Bar Association; South Carolina Bar; State Bar of Michigan. *Practice Areas:* Class Actions; Complex Litigation; Consumer Fraud.

**KARL E. NOVAK, (MEMBER)**

Born: Cincinnati, Ohio, March 18, 1959; admitted in South Carolina; Michigan; Texas; U.S. District Court, District of South Carolina; U.S. District Court, Northern District of Ohio. *Education:* College of Wooster (B.A., 1981); Capital University (J.D., 1988). Former Member, Ness, Motley, Loadholt, Richardson & Poole, P.A., Charleston, South Carolina. *Member:* American Association for Justice (formerly ATLA); American Bar Association; Charleston County Bar Association; South Carolina Bar; South Carolina Trial Lawyers Association. *Practice Areas:* Asbestos; Complex Litigation; Products Liability.

**KIMBERLY KEEVERS PALMER, (MEMBER)**

Born: Hammond, Indiana, April 3, 1967; admitted in South Carolina; U.S. District Court, District of South Carolina. *Education:* Calvin College (B.A., 1989); University of South Carolina (J.D., 1993). Intern to the Honorable Benjamin F. Gibson, U.S. District Court, Western District of Michigan, 1988; Intern to the Honorable William Campbell, South Carolina Family Court, 1992. *Member:* American Association for Justice (formerly ATLA); South Carolina Bar; South Carolina Trial Lawyers Association. Finalist, 2003 Trial Lawyer of the Year, Trial Lawyers for Public Justice. *Practice Areas:* Antitrust and Trade Regulation; Class Actions; Complex Litigation; Consumer Fraud; Deceptive Trade Practices; RICO; Tobacco.

**CHARLES W. PATRICK, JR., (MEMBER)**

Born: Monroe, North Carolina, October 9, 1954; admitted in South Carolina; U.S. District Court, District of South Carolina; U.S. Court of Appeals, Fourth Circuit; U.S. Court of Appeals, Fifth Circuit; U.S. Court of Appeals, Tenth Circuit; U.S. Court of Appeals, Eleventh Circuit. *Education:* Furman University (B.A., magna cum laude, 1976); University of South Carolina (J.D., 1979). Phi Beta Kappa. Executive Editor, South Carolina Law Review, 1978-1979. Law Clerk to the Honorable Clyde Robinson, South Carolina Circuit Court Judge, 1979-1980. Former Shareholder, Ness, Motley, Loadholt, Richardson & Poole, P.A., Charleston, South Carolina. *Publications and Speeches:* Author: "Relief From Unfairly Obtained Verdicts in Federal Court," 30 South Carolina Law Review 781 (1979). Speaker: Medical-Legal Conference, "Current Issues on Asbestosis and COPD," October 18, 1986, sponsored by the West Virginia Thoracic Society, American Lung Association of West Virginia, Charleston Area Medical Center, West Virginia University Medical Center/Charleston Division. Author: With Ronald L. Motley, "How To Handle An Asbestos Case," A Guide to Toxic Torts, Volume II, Matthew Bender, 1987. Speaker: "Attacking or Using the Medicals: The Lawyer's Best Use of the Medical Reports," 17th Annual Asbestos Litigation Conference, New Orleans, Louisiana, April 25-26, 2002. Contributing Author: "Pathology of Asbestos-Associated Diseases," Victor L. Roggli, et al., editors, Little, Brown & Co., (2d. ed., 2004). *Television Appearances:* The History Channel® "Modern Marvels: Engineering Disasters II-Asbestos," (2004). *Member:* American Association for Justice (formerly ATLA); South Carolina Bar; South Carolina Trial Lawyers Association; Trial Lawyers for Public Justice. *Community Activities:* Board Member of the Trident United Way; Conservation Voters of South Carolina; and Charleston Ballet Theater (Chairman). *Practice Areas:* Asbestos; Environmental; Tobacco; Toxic Torts.



TERRY E. RICHARDSON, JR., (MEMBER)

Born: Barnwell, South Carolina, November 11, 1945; admitted in South Carolina, U.S. District Court, District of South Carolina; U.S. Court of Appeals, Fourth Circuit; U.S. Supreme Court. *Education:* Clemson University (B.A., 1967; M.S., 1967); University of South Carolina (J.D., 1974). Order of Wig & Robe. Editor-in-Chief, South Carolina Law Review, 1973-1974. Former Shareholder and Managing Partner, Ness, Motley, Loadholt, Richardson & Poole, P.A., Charleston, South Carolina. *Member:* American Association for Justice (formerly ATLA); American Board of Trial Advocates; South Carolina Bar; South Carolina Trial Lawyers Association; Trial Lawyers for Public Justice. *Practice Areas:* Class Actions; Commercial Litigation; Complex Litigation; Mass Torts; Personal Injury; Products Liability; Railroad Accidents; Securities Fraud; Toxic Torts; Truck Accidents.



THOMAS D. ROGERS, (MEMBER)

Born: Savannah, Georgia, January 10, 1955; admitted in South Carolina; U.S. District Court, District of South Carolina. *Education:* University of Virginia (B.A., with distinction, 1975); University of South Carolina (J.D., magna cum laude, 1980). Order of Wig and Robe; Order of the Coif. *Member:* South Carolina Law Review, 1978-1980. *Member:* Moot Court Bar, 1979-1980. Recipient, David H. Means Scholarship. Law Clerk to the Honorable Sol Blatt, Jr., U.S. District Court, District of South Carolina, 1980-1982. Former *Member:* Ness, Motley, Loadholt, Richardson & Poole, P.A., Charleston, South Carolina. *Member:* American Association for Justice (formerly ATLA); Charleston County Bar Association; South Carolina Bar; South Carolina Trial Lawyers Association. *Practice Areas:* Complex Litigation, Mass Torts; Pharmaceutical and Medical Device Products Liability.



A. HOYT ROWELL, III, (MEMBER)

Born: Columbia, South Carolina, September 5, 1948; admitted in South Carolina; U.S. District Court, District of South Carolina; U.S. Court of Appeals, Fourth Circuit. *Education:* University of South Carolina (B.A., cum laude, 1970; J.D., 1973). Phi Beta Kappa; Order of Wig and Robe. Editorial Board, University of South Carolina Law Review, 1972-1973. Law Clerk to the Honorable Sol Blatt, Jr., U.S. District Court, District of South Carolina, 1973-1975. Former *Member:* Ness, Motley, Loadholt, Richardson & Poole, P.A., Charleston, South Carolina. *Member:* American Association for Justice (formerly ATLA); American Bar Association; South Carolina Bar; South Carolina Trial Lawyers Association (Past President); U.S. Court of Appeals, Fourth Circuit, Judicial Conference (Permanent Member). *Practice Areas:* Class Actions; Complex Litigation; Consumer Finance; Pharmaceutical Drug and Medical Devices; Pollution; Products Liability; Toxic Torts.

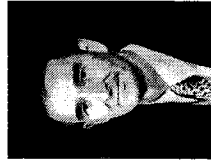


T. CHRISTOPHER TUCK, (MEMBER)

Born: Winston-Salem, North Carolina, January 6, 1972; admitted in South Carolina; Wisconsin; U.S. District Court, District of South Carolina; U.S. District Court, Eastern District of Wisconsin; U.S. Court of Appeals, Fourth Circuit, U.S. Court of Appeals, Seventh Circuit. *Education:* University of North Carolina (B.A., 1993); Marquette University (J.D., 1996); *Member:* Marquette Law Review; *Member:* Marquette Sports Law Journal. *Member:* American Association for Justice (formerly ATLA); Public Investors Arbitration Bar Association; South Carolina Bar; South Carolina Trial Lawyers Association; State Bar of Wisconsin. *Practice Areas:* Class Actions; Complex Litigation; Consumer Fraud; Securities Fraud.

JAMES L. WARD, JR., (MEMBER)

Born: Saluda, South Carolina, March 7, 1972; admitted in South Carolina; North Carolina; U.S. District Court, District of South Carolina; U.S. District Court, Western District of North Carolina; U.S. District Court, Eastern District of North Carolina; U.S. District Court, Middle District of North Carolina; U.S. Court of Appeals, Fourth Circuit. *Education:* The Citadel (B.A., magna cum laude, 1994); University of South Carolina (J.D., cum laude, 1997). *Order of the Goff, Order of Wig and Robe, Keeper of the Wit and Editorial Staff Member, South Carolina Law Review, Legal Writing and Research Teaching Assistant, Publications and Speeches: "Making the Most Out of Your Practice," Charleston School of Law (November 10, 2008); "Ethical Considerations in MDL Designated Counsel Representation," Federal Bar Association Ethics Seminar (September 11, 2008); "Ensuring Efficient Discovery and the Admission of Other Similar Incidents Evidence in Automobile Products Cases," AAJ Winter Convention (January 29, 2008); "Anatomy of a Civil Lawsuit From Start to Finish," Columbia radio station WOIC 1230 AM's U Need 2 Know Radio Program (November 29, 2007); "Making the Most Out of Your Practice: What We Can Learn From Lionel Hutz," South Carolina Bar Annual Convention (January 26, 2007); "Squeezing the Lemon: Making the Most Out of Your Practice," South Carolina Trial Lawyers Association Annual Convention (August 3, 2006); "Hazing: The Governing Law and Practical Applications," College of Charleston (October 25, 2004); "Tips for a Successful Mediation," South Carolina Trial Lawyers Association Annual Convention (August 5, 2004); "Tort Reform from the Plaintiffs' Perspective," University of South Carolina (March 31, 2004); "Admissibility of DNA Statistical Evidence Under State v. Dinkins," 48 S.C.L. Rev. 93 (1996). *Awards:* Recipient, Charleston Regional Business Journal's Forty Under Forty Award, Recipient, President's Volunteer Service Award, President's Council on Service and Civic Participation. *Member:* American Association for Justice (formerly ATLA) (Member, National Finance Council); North Carolina State Bar Association; North Carolina State Bar; South Carolina Bar Secretary, Tort and Insurance Practice Section Council; South Carolina Association for Justice (Member, Legislative Policy Steering Committee). *Practice Areas:* Class Actions; Commercial Litigation; Products Liability; Vehicle Defects.*

EDWARD J. WESTBROOK, JR., (MEMBER)

Born: Brooklyn, New York, August 8, 1952; admitted in South Carolina; District of Columbia; U.S. District Court, District of South Carolina; U.S. District Court, District of Columbia; U.S. Court of Appeals, Second Circuit; U.S. Court of Appeals, Third Circuit; U.S. Court of Appeals, Fourth Circuit; U.S. Court of Appeals, Seventh Circuit; U.S. Court of Appeals, Eleventh Circuit; U.S. Court of Appeals, District of Columbia Circuit; U.S. Court of Appeals, Federal Circuit; U.S. Supreme Court. *Education:* Stevens Institute of Technology (B.E., 1974); University of South Carolina (J.D., magna cum laude, 1976). *Editor, South Carolina Law Review, 1975-1976. Instructor in Legal Writing, University of South Carolina School of Law, 1976-1977. Law Clerk to the Honorable Sol Blatt, Jr., U.S. District Court, District of South Carolina, 1977-1979. Former Shareholder, Ness, Motley, Loadholt, Richardson & Poole, P.A., Charleston, South Carolina. Member: American Association for Justice (formerly ATLA); American Bar Association; South Carolina Bar; South Carolina Trial Lawyers Association; Trial Lawyers for Public Justice. Professional Activities: Past Member, U.S. District Court Magistrate Judge's Screening Committee; Special Counsel, In Re: W.R. Grace & Co. (Br. D. Del.); Founding Member, Charleston School of Law. Practice Areas: Asbestos Property Damage; Class Actions; Complex Litigation; Environmental; Mass Torts; Tobacco; Toxic Torts.*

KENNETH J. WILSON, (MEMBER)

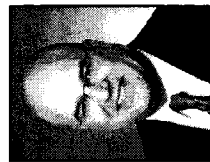
Born: Youngstown, Ohio, May 27, 1963; admitted in South Carolina; Florida; Georgia; U.S. District Court, District of South Carolina; U.S. District Court, Southern District of Georgia; U.S. District Court, Middle District of Georgia; U.S. Supreme Court. *Education:* Wake Forest University (B.A., cum laude, 1985); Emory University (J.D., 1988). *Former Member, Ness, Motley, Loadholt, Richardson & Poole, P.A. Member: American Association for Justice (formerly ATLA); American Bar Association; Florida Bar Association; South Carolina Bar; South Carolina Trial Lawyers Association; State Bar of Georgia. Practice Areas: Asbestos; Class Actions; Complex Litigation; Mass Torts; Products Liability; Toxic Torts.*

ASSOCIATES



JAMES C. BRADLEY, (ASSOCIATE)

Born: White Plains, New York, February 1, 1968; admitted in South Carolina; U.S. District Court, District of South Carolina; U.S. Court of Federal Claims. *Education:* Wake Forest University (B.A., magna cum laude, 1990); University of South Carolina (J.D., magna cum laude, 1999). *Order of the Coif;* Order of Wig & Robe (Chief Justice, 1999); Phi Beta Kappa, Recipient, Dean's Medallion, May 7, 1999; Cy Young Award; Coleman Karsh Award; Richard J. Foster Award; CALI Awards in Contracts, Property, Torts, Civil Procedure, Income Tax, Law and Economics, Jurisprudence, Remedies, Commercial Law, and Professional Responsibility; Student Works Editor, South Carolina Law Review, 1998-1999. Law Clerk to the Honorable G. Ross Anderson, Jr., U.S. District Court, District of South Carolina, 1999-2000. *Member:* American Association for Justice (formerly ATLA); South Carolina Bar; South Carolina Trial Lawyers Association; Finalist, 2003 Trial Lawyer of the Year, Trial Lawyers for Public Justice. *Practice Areas:* Business Litigation; Complex Litigation; Consumer Fraud; Securities; Tort Liability.



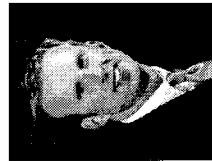
AARON R. DIAS, (ASSOCIATE)

Born: Charleston, South Carolina, October 18, 1970; admitted in South Carolina. *Education:* College of Charleston (B.S., B.A., cum laude, 1994); University of South Carolina (J.D., cum laude, 2005). *Order of Wig and Robe;* Order of the Coif; Recipient, CALI Award in Products Liability; Associate Student Works Editor, South Carolina Law Review, 2004-2005. Recipient, The Honorable John S. Flynn Merit Scholarship. *Publications and Speeches:* Author, "Just Say Yes: An Evaluation of Sell v. United States and Inadequate Limitations on the Forced Medication of a Defendant in Order to Render Competence for Trial," 55 S.C. L. REV. 517 (2004). *Member:* American Association for Justice (formerly ATLA); Federal Bar Association; South Carolina Bar. *Practice Areas:* Natural Resource Damage; Toxic Torts.



NINA H. FIELDS, (ASSOCIATE)

Born: Anderson, South Carolina, December 13, 1974; admitted in South Carolina; U.S. District Court, District of South Carolina. *Education:* College of Charleston (B.S., cum laude, 1997); University of South Carolina (J.D., magna cum laude, 2000). *Phi Delta Phi;* Order of Wig and Robe; Order of the Coif; Recipient, CALI Awards in Commercial Law, Contracts, Trusts and Estates, Mass Torts, Domestic Relations, Admiralty and International Ocean Carriage; South Carolina Law Review, 1998-2000. Law Clerk to the Honorable G. Ross Anderson, Jr., U.S. District Court, District of South Carolina, 2000-2001. Finalist, 2003 Trial Lawyer of the Year, Trial Lawyers for Public Justice. *Member:* South Carolina Bar. *Practice Areas:* Consumer Fraud; Consumer Protection; Deceptive Trade Practices; Securities Fraud.



THOMAS P. GRESSETTE, JR., (ASSOCIATE)

Born: Florence, South Carolina, July 20, 1971; admitted in South Carolina; U.S. Virgin Islands; U.S. District Court, District of South Carolina; U.S. District Court, Eastern District of Arkansas; U.S. District Court, Western District of Arkansas; U.S. Court of Appeals, Third Circuit; U.S. Court of Appeals, Fourth Circuit; U.S. Supreme Court. *Education:* Clemson University (B.A., cum laude, 1993); University of South Carolina (J.D., 1997). *Order of Barristers;* John Belton O'Neal Inn of Court; Managing Editor, Journal of Law and Education, University of South Carolina, 1995-1997. Law Clerk to the Honorable G. Weston Houck, U.S. District Court, District of South Carolina, 1997-1999. Former Faculty Member, Administrative Office of the United States Courts Federal Defender Training Group. Former Assistant Federal Public Defender, U.S. District Court, District of South Carolina. *Member:* American Association for Justice (formerly ATLA) (Member, Board of Governors, New Lawyers Division, 2000-2002); Federal Bar Association, South Carolina Chapter (Board Member 2004, Treasurer 2005, Vice President 2006, President Elect 2007); South Carolina Bar (Lawyers Caring for Lawyers Committee, 2000-2001; Quality of Life Committee, 2000-2001); South Carolina Trial Lawyers Association. *Practice Areas:* Complex Litigation; Mass Torts; Natural Resource Damage; Products Liability; Toxic Torts; White Collar Criminal Defense.

MATTHEW D. HAMRICK, (ASSOCIATE)

Born: Santa Monica, California, February 27, 1970; admitted in South Carolina, U.S. District Court, District of South Carolina. *Education:* College of Charleston (B.A., 1994); Cumberland School of Law of Samford University (J.D., cum laude, 1999). *Dean's Scholarship:* Book Award, Pretrial Practice and Procedure; Curia Honoris Society; Senior Member, Cumberland Law Review, 1997-1999; Comments: "Theories of Injury and Recovery for Post-Exposure, Pre-Symptom Plaintiffs: The Supreme Court Takes a Critical Look," 29 Cumberland Law Review 461-488 (1999). *Member:* South Carolina Bar. *Practice Areas:* Complex Litigation; Products Liability; Railroad Accidents.

**DAVID M. HENDRICKS, (ASSOCIATE)**

Born: Lockport, New York, February 7, 1974; admitted in South Carolina. *Education:* Washington University in St. Louis (B.A., 1996); University of Alabama (M.A., 1999); Charleston School of Law (J.D., 2007). *Articles Editor,* Charleston Law Review, Second Prize for Public Service, South Carolina Press Association, 2003; *President's Award,* The McClatchy Company, 2001-2003. *Member:* American Bar Association; Charleston County Bar; South Carolina Bar. *Practice Areas:* Antitrust; Consumer Protection.

**CHRISTIAAN A. MARCUM, (ASSOCIATE)**

Born: Columbia, South Carolina, January 19, 1973; admitted in South Carolina; U.S. District Court, District of South Carolina. *Education:* College of Charleston (B.A., 1995) Phi Alpha Theta; University of South Carolina (J.D., cum laude, 1999). *Order of Wig and Robe:* Recipient, Outstanding Senior Research Paper Award; Research Editor, South Carolina Environmental Law Journal, 1998-99. *Law Clerk* to the Honorable Kaye G. Hearn, Chief Judge, South Carolina Court of Appeals, 1999-2000. *Member:* American Association for Justice (formerly ATLA); South Carolina Bar; South Carolina Trial Lawyers Association. *Practice Areas:* Mass Torts; Multidistrict Litigation (MDL); Pharmaceutical Drug and Medical Device Litigation; Products Liability.

**KATIE H. MCELVEEN, (ASSOCIATE)**

Born: Charleston, South Carolina, April 10, 1974; admitted in South Carolina; U.S. Court of Appeals, Fourth Circuit; U.S. District Court, Northern District of Florida. *Education:* College of Charleston (B.A., 2002); Charleston School of Law (J.D., cum laude, 2007). *Federal Courts Law Review:* Executive Editorial Board Member, Publications Editor; South Carolina Bar Young Lawyer's Division, Publications Committee. *Member:* American Bar Association; Charleston County Bar; South Carolina Bar. *Practice Areas:* Class Action Litigation.

CHRISTOPHER J. MOORE, (ASSOCIATE)

Born: Goldsboro, North Carolina, June 6, 1981; admitted in South Carolina, U.S. District Court, District of South Carolina. *Education:* North Carolina State University (B.A., 2003); Charleston School of Law (J.D. 2008). *Student works Editor,* Federal Courts Law Review; Associate Justice, Charleston School of Law Moot Court Board.

**ROBERT S. WOOD, (ASSOCIATE)**

Born: Warner Robins, Georgia, December 12, 1970; admitted in South Carolina, U.S. District Court, District of South Carolina. *Education:* University of Nebraska at Omaha (B.S., 1994); University of South Carolina (J.D., cum laude, 1999). *Order of the Coif:* Order of Wig and Robe; Member, Editorial Board, South Carolina Law Review, 1998-1999. *Law Clerk* to Honorable Carol Connor, South Carolina Court of Appeals, 1999-2001. *Member:* South Carolina Bar; South Carolina Trial Lawyers Association. *Practice Areas:* Class Actions; Predatory Lending; White Collar Criminal Defense.



OF COUNSEL



GORDON C. RHEA, JR., (OF COUNSEL)

Born: Arlington, Virginia, March 10, 1945; admitted in California; District of Columbia; U.S. Virgin Islands; U.S. Court of Appeals, Third Circuit; U.S. Court of Appeals, Ninth Circuit; U.S. Court of Appeals, District of Columbia; U.S. Supreme Court. (Not admitted in South Carolina). *Education:* Indiana University, (B.A., summa cum laude, 1967); Harvard University, Woodrow Wilson Fellow (M.A., 1968); Stanford University School of Law (J.D., 1974). *Professional Experience:* Associate, Law Offices of Barry Tarlow, Los Angeles, 1974-1975; Special Assistant to the Chief Counsel, Senate Select Committee on Intelligence Activities, 1975-1976; United States Attorney's Office, District of Columbia, 1976-1981, serving in grand jury, appellate and felony trial divisions; Deputy Director of Superior Court Operations, Executive United States Attorney; Special Assistant United States Attorney, United States Attorney's Office, U.S. Virgin Islands, 1981-1982. Founding partner, Alkon and Rhea, U.S.



JAMES H. RION, JR., (OF COUNSEL)

Born: Putnam, Connecticut, June 8, 1955; admitted in South Carolina; Georgia; U.S. Court of Appeals, Third Circuit; U.S. Supreme Court. *Education:* University of South Carolina (B.A., cum laude, 1978; J.D., cum laude, 1981). Order of Wig and Robe; Order of the Coif. *Professional Experience:* University of South Carolina School of Law, Adjunct Professor, Trial Advocacy. *Member:* American Association for Justice (formerly ATLA); South Carolina Bar; South Carolina Trial Lawyers Association; State Bar of Georgia; Former Shareholder, Ness, Motley, Loadholt, Richardson & Poole, P.A., Charleston, South Carolina. *Practice Areas:* Employment; FEHA; Labor Law; Occupational Disease Litigation.



DAVID L. SUGGS, (OF COUNSEL)

Born: Fort Worth, Texas, October 24, 1950; admitted in New York, Minnesota. (Not admitted in South Carolina). *Education:* University of Nebraska (B.A., 1975; M.A., 1977; J.D., 1979; Ph.D., 1980). *Professional Experience:* Former Of Counsel, Lopez, Hodges, Restaino, Millman & Skikos. *Member:* Minnesota State Bar Association; Minnesota Trial Lawyers Association; New York State Bar Association; American Bar Association. *Practice Areas:* Pharmaceutical Drug Product Liability.



ROBERT M. TURKEWITZ, (OF COUNSEL)

Born: Brooklyn, New York, May 22, 1959; admitted in South Carolina; New York; U.S. District Court, District of South Carolina; U.S. District Court, Southern District of New York; U.S. Court of Appeals, Fourth Circuit; U.S. Court of Appeals, Tenth Circuit; U.S. Court of Appeals, Eleventh Circuit; U.S. Court of Military Appeals. *Education:* State University of New York at Albany (B.A., magna cum laude, 1981); State University of New York at Buffalo (J.D., 1984). Student Law Clerk to the Honorable Edmund F. Maxwell, U.S. Magistrate Judge, Western District of New York. Recipient, Robert J. Connelly Trial Technique Award, Co-Author, "Fraud," South Carolina Jurisprudence. Lieutenant, United States Navy JAG Corps, 1984-1989; Special Assistant United States Attorney, District of South Carolina, 1987-1989. Former Member, Ness, Motley, Loadholt, Richardson & Poole, P.A., Charleston, South Carolina. *Member:* American Association for Justice (formerly ATLA); American Bar Association; South Carolina Bar; South Carolina Trial Lawyers Association. *Practice Areas:* Abusive Tax Shelters; Asbestos Property Damage; Civil Litigation; Class Actions; Complex Litigation; Consumer Fraud; Environmental; Natural Resource Damage; Mass Torts; Products Liability; Securities Fraud; Toxic Torts.



RAMON ROSSI LOPEZ
rlopez@lopezmchugh.com

REPLY TO:
NEWPORT BEACH OFFICE

January 11, 2010

The Honorable Inge Prytz Johnson
U.S. District Judge
United States District Court
Hugo L. Black U. S. Courthouse
1729 Fifth Avenue North
Birmingham, AL 35203

Re: Chantix (Varenicline) Products Liability Litigation (MDL 2092)

Dear Judge Johnson:

I respectfully submit this Application for my appointment to the Plaintiffs' Executive Committee in MDL No. 2092. I look forward to the opportunity to serve for the common benefit of Chantix plaintiffs, and certify that I will personally commit my time and energy, and that of my firm, to this litigation.

My firm is counsel in eight Chantix cases filed in federal court to date, most of which have already been transferred to this MDL. We have numerous more cases under retainer and have devoted a significant amount of firm resources to handling both the case-specific and common benefit aspects of this litigation.

I am the senior and founding partner of Lopez McHugh LLP (offices in Newport Beach, CA; Moorestown, NJ; and, Philadelphia, PA) and was the senior and founding partner of my predecessor firm, Lopez, Hodes, Restaino, Milman & Skikos (offices in Newport Beach and San Francisco, CA; Cincinnati and Cleveland, OH; Minneapolis, MN; and, Boston, MA). I received my Juris Doctor degree from Loyola School of Law and my Bachelor of Arts from Loyola University Los Angeles.

I have extensive civil trial experience in all areas of personal injury litigation, including complex medical malpractice and products liability actions. I have represented thousands of individuals in mass tort litigations, primarily against the pharmaceutical industry. As well, I have been lead or co-lead counsel in the depositions of a variety of pharmaceutical corporate



The Honorable Inge Prytz Johnson
January 11, 2010
Page 2

witnesses over the past 20 years involving offices/managing agents from Regulatory Affairs, Marketing, Sales, Post Market Surveillance, Medical Communications and Clinical Trials from Bristol Meyers, 3M, AHP, Wyeth, Fisons, Warner Lambert, Pfizer, Park Davis, Bayer, Sanofi-Aventis, GEHC, Tyco/Mallinckrodt, and Eli Lilly involving those drugs referenced below. I have been lead or co-lead counsel in jury trials involving Breast Implants, Rezulin, Diet Drug (Fen-Phen) and PPA.

From 2000 to the present, I have negotiated and resolved, along with other members of my current and predecessor firms, several thousand individual cases in the Diet Drug (fen-phen), Rezulin, Baycol, PPA, Propulsid, Zyprexa, Ketek, OrthoEvra, and Gadolinium pharmaceutical litigations and the Sulzer Hip, Medtronic and Guidant defibrillator and Ford/Firestone product liability litigations.

I have served on numerous Plaintiffs' Executive and Steering Committees in both federal MDLs and state-coordinated litigations, including the California Plaintiffs' Steering committee in the Breast Implant litigation and the Plaintiffs' Executive Committee in the Rezulin MDL and Zyprexa MDL where I also served as co-chair of the Discovery Committee. I also served as co-lead counsel in the Sulzer Hip and Knee coordinated proceedings in California, and was a member of the Steering Committees of the diet-drug, Rezulin, Baycol, and PPA California coordinated actions. Currently, I am a member of the PSC and serve as State-Federal Liaison Counsel in the Gadolinium (MDL No. 1909).

In addition to my management duties in the California Coordinated Baycol litigation, I served as state-federal liaison counsel, and special advisor and consultant to the Honorable Michael J. Davis in the Baycol MDL.

In 2004 I was one of four lawyers who negotiated on behalf of all plaintiffs a global settlement of cases pending against Chattem Corporation, for injuries caused by an over-the-counter diet drug, Dexatrim. I served on the Creditors' Committee in the negotiations with Delaco, the company that manufactured Dexatrim prior to Chattem's ownership of the company. The total of both settlements exceeded \$200 million. Approximately 15% of the eligible clients in that settlement were personally represented by my and my predecessor firm.

In 2005 I was one of four lead plaintiff lawyer negotiators in the Zyprexa litigation, whose efforts resulted in an unprecedented \$700 million settlement on behalf of clients from

LOPEZ McHUGH LLP

The Honorable Inge Prytz Johnson
January 11, 2010
Page 3

approximately 15 separate law firms, 25% of whose clients were retained by my predecessor firm.

I am willing and able, and if appointed I pledge, to commit my time and energy to actively serve on the Plaintiffs' Executive Committee, as well as significant resources of other lawyers and staff in my firm to serve on behalf of the MDL plaintiffs.

I request that this Court grant my request for appointment to the Plaintiffs' Executive Committee.

Respectfully submitted,

LOPEZ McHUGH, LLP



RAMON ROSSI LOPEZ

RRL:mbw



Cory | Watson | Crowder | DeGaris

ATTORNEYS

January 11, 2010

Via: Hand Delivery & Facsimile

Hon. Inge P. Johnson

United States District Court, Northern District of Alabama

Hugo Black United States Courthouse

1729 5th Avenue North

Birmingham, AL 35203

RE: PSC Application of Kristian Rasmussen
In Re: Chantix (varenicline) Products Liability Litigation, MDL 2092

Dear Judge Johnson:

Pursuant to your direction in the Order Setting Initial Conference, please accept this correspondence and enclosure for consideration of my appointment to the Plaintiffs' Steering Committee.

Cory Watson Crowder & DeGaris, P.C. (Cory Watson) has received unanimous support to serve as interim lead counsel in this litigation. Additionally, along with other leaders in the litigation, I have met with Pfizer's lead counsel on two separate occasions. I am currently leading efforts to coordinate discovery with the defendants, and I am also working with all counsel involved to develop a proposed master complaint, tolling agreement, discovery plan, and various other administrative measures to manage this litigation

I am also currently serving as chairman of the Chantix litigation group formed by the American Association for Justice which is comprised of thousands of attorneys from across the country. This group provides the means for Plaintiffs' counsel to work cooperatively and stay informed of the overall status of the litigation.

In addition to my participation in the Chantix litigation thus far, I have also served in leadership positions in other multidistrict litigation. I have enclosed my personal biography and firm biography that details my past experience and that of my firm.

In closing, I believe my reputation for working cooperatively with other attorneys is evidenced by my organizational efforts in this litigation and the fact that my firm and I have been asked to serve on the Plaintiffs' Steering Committee for several MDL panels.

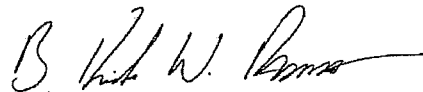
I would be honored if the Court chose me to serve on the Plaintiffs' Steering Committee. I have the resources, willingness, and availability to commit to this important project. From the efforts I have expended thus far on this project and on past projects, I can assure the Court that I

Hon. Inge P. Johnson
Re: Chantix PSC Application of Kristian Rasmussen
Page 2 of 2

/

am qualified to serve on the Plaintiffs' Steering Committee in this MDL. I therefore respectfully seek Your Honor's appointment.

Very respectfully,

A handwritten signature in black ink, appearing to read "B. Kristian W. Rasmussen", with a long horizontal flourish extending to the right.

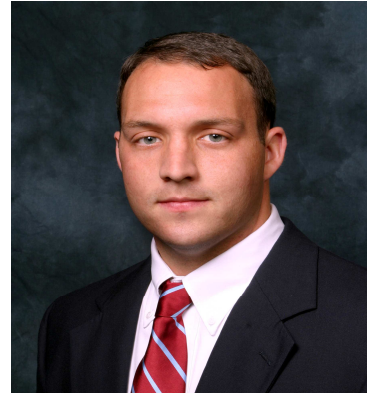
B. Kristian W. Rasmussen

BKR/mjc

Enclosure as noted herein

B. KRISTIAN W. RASMUSSEN
Professional Biography

Kristian Rasmussen is a partner with the law firm of Cory Watson Crowder & DeGaris, P.C. in Birmingham, AL. Kristian Rasmussen is recognized as a leader in pharmaceutical, class action and “mass tort” litigation. Mr. Rasmussen has recovered multiple verdicts and settlements in excess of \$1 Million for his clients and he is often sought after by his peers to lecture on various litigation topics and he has been interviewed by many national and local news media organizations.



Currently, Kristian Rasmussen serves on the Plaintiffs Steering Committee as co-chair of the discovery committee for MDL No. 1699 In Re Bextra and Celebrex Unfair Sales Practices and Product Liability Litigation. Mr. Rasmussen’s prior litigation experience includes being designated as Co-Lead Trial Counsel for MDL No. 1632 In re High Sulfur Content Gasoline Products Liability Litigation and multiple verdicts and settlements in excess of One Million Dollars. Before entering into private practice, Mr. Rasmussen prosecuted cases as a Special Assistant United States Attorney in the Northern District of Florida, and served the United States Navy as an officer in the Judge Advocate General’s Corps.

NOTEWORTHY VERDICTS AND SETTLEMENTS:

- 2008: \$3.75 million pharmaceutical products liability
- 2007: \$1.2 million for client involved in an automobile collision multiple injuries including the non-paralyzing fracture of a cervical vertebra
- 2007: \$102 million co-lead trial counsel in consumer class action
- 2006: \$2.7 million for pharmaceutical, products liability case
- 2006: \$98 million working with national co-lead counsel in securities class action
- 2005: \$2.8 million for pharmaceutical, products liability case

PUBLISHED OPINIONS AND REPRESENTATIVE CASES:

- *In re Bextra and Celebrex Marketing, Sales Practices and Product Liability Litigation*, 391 F.Supp.2d 1377 (Appointed by United States District Court Judge, Charles Breyer, to lead all claims as a member of the Plaintiffs Steering Committee and Co-Chair of the Discovery Committee)
- *In re High Sulfur Content Gasoline Products Liability Litigation*, 344 F.Supp.2d 755 (Appointed by United States District Court Judge, Elden Fallon, as Lead Trial Counsel and member of the Plaintiffs Steering Committee)
- *Paramore v. State Farm Automobile Ins. Co.*, No. 1D07-3781; Affirmed, June 27, 2008; Fla. 1st DCA, No. 1D07-4930)
- *United States of America v. Hammond*, 371 F.3d 776 (11th Cir. 2000);

AWARDS:

- Selected "Top 100 Trial Lawyers" by The American Trial Lawyers Association;
- New York City Bar Ass'n Trial Advocacy Award;
- Various Military Awards and Distinction including: the Navy Achievement Medal, Distinguished Graduate of OIS, and Officer of the Quarter.

PUBLICATIONS:

- "Chantix: The Next Mass Tort" AAJ, Section on Toxic, Environmental & Pharmaceutical Torts; Vol. 15, No. 2, Spring 2008
- Co-Author, "Bextra - No Different Than Vioxx" ATLA, Section on Toxic & Environmental Torts", Vol. 12, No. 2, Spring, 2005

LECTURES, CLASSES AND SEMINARS:

2008:

- "Products Liability Litigation" ATLAS Lawyers Group Seminar, Scottsdale, AZ September 11, 2008.
- "Breaking News in Pharmaceutical Litigation: Chantix, Digitek, Levaquin" Trial Lawyers Marketing Roundtable, Four Seasons Hotel, Philadelphia, PA July 15, 2008
- "Resolution and Litigation Update: Vioxx, Bextra & Celebrex" AAJ, July 14, 2008, Philadelphia, PA
- "Chantix: Cases, Claims and Liability" Pharmaceutical Litigation Super Conference, June 23-25, 2008 Chicago, IL.
- "Chantix: Breaking News and Litigation" Professionally Speaking, Spring Seminar: May 17, 2008

2007:

- Celebrex Clinical Trial Data and Hot Documents, American Association for Justice, Chicago, IL, 2007
- Cox-2 Litigation - The Evidence and Trial Package, American Association for Justice, Miami, FL, 2007

2006:

- Stevens Johnson Syndrome - Building Your Practice With Good Cases, Mass Torts Made Perfect, Las Vegas, NV, 2006
- Cox-2 Inhibitors A Mass Tort Update, American Association for Justice, Seattle, WA
- Catastrophic Drug Reactions - Stevens Johnson Syndrome, Bextra and Other Culprit Drugs, Mass Torts Made Perfect, Miami, FL, 2006
- Bextra and the Increased Risk of Stevens Johnson Syndrome, American Association for Justice, Honolulu, HI, 2006
- Host Tele-seminar, Multi-District Litigation Update, American Association for Justice, Pensacola, FL, 2006
- Host Tele-seminar, Developing Scientific Evidence, American Association for Justice, Pensacola, FL, 2006

2005:

- Bextra, NSAIDS and Stevens Johnson Syndrome, Mass Torts Made Perfect, Las Vegas, NV, 2005
- FDA Regulations and Requirements Regarding Warning for Stevens Johnson Syndrome, Harris Martin Publishing, San Francisco, CA, 2005

- Bextra, NSAIDS and Stevens Johnson Syndrome, LexisNexis Mealey's Litigation Conference, Chicago, IL, 2005
- Products Liability, Pharmaceutical Litigation, and Toxic Torts, American Association for Justice, West Palm Beach, FL, 2005
- Host Tele-seminar, Filing Pharmaceutical Cases, American Association for Justice, Pensacola, FL, 2005
- Cox-2 Inhibitor Litigation, American Association for Justice, Toronto, Canada, 2005
- Expanding Your Law Practice - Multi-District Litigation Update for Bextra and Celebrex, Mass Torts Made Perfect, New York, NY, 2005
- Vioxx Litigation Update and Similar Cases, LexisNexis Mealey Publication, 2005

2004:

- Mass Torts and Products Liability - Cox-2 Inhibitor Drugs - Bextra and Celebrex are No Different Than Vioxx, Mass Torts Made Perfect, Las Vegas, NV, 2004

MEDIA:

- Television: Fox News 6, Host, *Law Line* (2005-2006), Host, *NAS Live* (2001-2002)
- Print: *Trial Magazine*, *Lawyers Weekly*, Los Angeles Times, Chicago Tribune, Dow Jones News Wire, Bloomberg, Birmingham News, Seacoast Times, various AP reports

PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS:

- Judicial Nominating Commission, Florida First Judicial Circuit
- American Association for Justice, Chair of Chantix Litigation Group; former Co-chair of the VIOXX / Cox-2 Litigation Group
- Florida Justice Association, Board of Directors, member at large
- Escambia / Santa Rosa County Bar Association
- First Judicial Circuit Trial Lawyers Association
- The American Trial Lawyers Association

EDUCATION:

- The Citadel, The Military College of South Carolina, B.A.;
- Mississippi College School of Law, J.D.;
- United States Naval War College

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

In re:	}	
	}	
	}	
	}	Master File No.: 2:09-CV-2039-IPJ
CHANTIX (VARENICLINE)	}	
PRODUCTS LIABILITY	}	This Document Relates To: All Cases
LITIGATION (MDL-2092)	}	
	}	
	}	

APPLICATION OF W. MARK LANIER

FOR APPOINTMENT TO THE PLAINTIFFS' STEERING COMMITTEE

NOW INTO COURT comes W. Mark Lanier, pursuant to this Court's Order Setting Initial Conference, dated November 9, 2009, and respectfully files the within application for appointment to the Plaintiffs' Steering Committee of the Chantix (Varenicline) Products Liability Litigation, MDL Docket No. 2092.

Mr. Lanier stands ready to assume a leadership role in the Chantix Litigation and will devote his time, considerable talent and personal and professional resources to seeing this project through to a successful conclusion. Mr. Lanier's unique combination of unparalleled trial skills and professional experience in the field of complex litigation, with extensive involvement in pharmaceutical litigation, will prove invaluable in advancing the Chantix litigation to resolution as it did the Vioxx litigation, where he was lead trial counsel in three of the trials successfully taken to verdict (Ernst v. Merck; Cona, McDarby v. Merck; and Hermans v. Merck). The Lanier

Law Firm is poised to file a number of Chantix cases in the MDL, and has filed Chantix cases in New York State Court.

W. Mark Lanier founded The Lanier Law Firm in 1990. Since then, Lanier has earned widespread recognition as one of the top trial lawyers in the United States. His work for clients across the country is supported by firm offices in Houston, New York, Los Angeles and Palo Alto, California.

Lanier consistently is recognized among the country's leading legal minds by his peers and the media. The National Law Journal named him one of nation's Top 10 Trial Attorneys in 1998 and 2006, the same year the publication named Lanier as one of the 100 Most Influential Lawyers in America. He has earned similar honors from other publications, including The American Lawyer and Texas Monthly. In its coverage of Lanier's stunning verdict in the nation's first Vioxx trial, The New York Times described him as "one of the top civil trial lawyers in America . . ."

What the news clips can't measure or define is Lanier's commitment to his clients and the passion he brings to every case. Often motivated by injustice and a sense of fair play, Lanier has helped even the score for individuals as well as large corporations.

In addition to national recognition, Lanier also has earned accolades from his peers in Texas. In a statewide attorney survey published in Texas Monthly magazine, Lanier has earned selection to the "Texas Super Lawyers" list in 2003, 2004, 2005, 2006, 2007, 2008 and 2009. In 2002, Texas Lawyer newspaper named Lanier as one of the Top 5 "Go To" Personal Injury Plaintiff Attorneys in Texas. The same publication named Lanier as its 2005 "Impact Player of the Year" and later recognized him as the Top Personal Injury Lawyer in Texas in 2007.

Mr. Lanier's courtroom work has resulted in feature articles in The Wall Street Journal, The American Lawyer, Texas Lawyer, The New York Times, New York Lawyer, The National Law Journal, Los Angeles Times, The Boston Globe, Houston Chronicle and Bloomberg, among others. He also is a frequent guest on news shows such as CNBC's "Squawk Box."

Mr. Lanier is certified as a personal injury trial specialist by the Texas Board of Legal Specialization, and is licensed to practice law in New York state, all Texas state and federal courts, and the U.S. Supreme Court. Mr. Lanier is a member in good standing of the New York and Texas State bar and has never been suspended, placed on inactive status or reprimanded.

Mr. Lanier has fully staffed offices in New York, California and Houston, from which he represents numerous clients in the following multi-district pharmaceutical-related litigations:

- IN RE: Vioxx Marketing, Sales Practice and Products Liability Litigation, MDL 1657, E.D.LA.;
- IN RE: Bextra and Celebrex Marketing, Sales Practices and Products Liability Litigation, MDL 1699, N.D.CA.;
- IN RE: Zyprexa Products Liability Litigation, MDL 1596, E.D.N.Y.;
- IN RE: Avandia Marketing, Sales Practices and Products Liability Litigation, MDL 1871, E.D.PA.;
- IN RE: Neurontin Marketing, Sales Practices and Products Liability Litigation, MDL 1629, D.MA.;
- IN RE: Levaquin Products Liability Litigation, MDL 1943, D.MN.;
- IN RE: Heparin Products Liability Litigation, MDL 1657, N.D.OH.;
- IN RE: Digitek Products Liability Litigation, MDL 1968, S.D.W.V.;

- IN RE: Fosamax Products Liability Litigation, MDL 1789, S.D.N.Y.;
- IN RE: Chantix (Varenicline) Products Liability Litigation, MDL 2092, N.D.AL.;
- IN RE: Trasylol Products Liability Litigation, MDL 1928, S.D.FL.;
- IN RE: Viagra Products Liability Litigation, MDL 1724, D.MN.; and
- IN RE: Gadolinium Contrast Dyes Products Liability Litigation, MDL 1909, N.D.OH.

Mark Lanier has also been involved in State Court litigations concerning the drugs Vioxx® (Atlantic County, NJ), Bextra®/Celebrex® (New York County, NY), Avandia® (Philadelphia County, PA), Neurontin® (New York County, NY), Levaquin® (Atlantic County, NJ), Fosamax (Atlantic County), Yaz/Yasmin/Ocella (filed in Atlantic County, pending Mass Tort Assignment), and Chantix® (pending in New York State).

Mark Lanier, along with Richard Meadow, the Managing Attorney leading the Lanier Law Firm's New York Office and the pharmaceutical practice department, have collectively held Plaintiff Steering Committee positions in the above litigations concerning Vioxx®, Avandia® (Mark Lanier holds an Executive Leadership position on the Avandia PSC), Digitek®, Bextra®/Celebrex®, Levaquin®, Heparin® and Zyprexa®.

Most notably, Mark Lanier was the first attorney to successfully try a case against Merck concerning the drug Vioxx®. The result was a record-setting \$253 Million verdict in favor of the plaintiff. Mr. Lanier also successfully tried the liability portion of several Vioxx® cases in the State of New Jersey, which further paved the way for a \$4.8 Billion nationwide personal injury settlement.

In addition to his extensive experience in the pharmaceutical field, Mr. Lanier has obtained significant jury awards and has negotiated substantial settlements in cases across the United States, including:

- A settlement for Retractable Technologies, a syringe manufacturer, in an antitrust case against industry giant Becton, Dickinson and Company, the world's largest manufacturer of medical syringes and needles.
- A verdict on behalf of 21 asbestos victims in February 1998, considered one of the largest asbestos verdicts in U.S. history.
- A substantial verdict for a small oil company in a 1993 business fraud case against one of the nation's largest oil providers.
- A settlement with a U.S. distributor of dangerous products imported from China.
- In addition to individuals, Lanier also represents corporations, associations and governmental entities.

Mr. Lanier is enthusiastically involved in government and community activities outside the practice of law. He serves on the Board of Trustees of the Committee for Economic Development, a nonprofit, nonpartisan organization that addresses ongoing critical economic and social issues facing society. Mr. Lanier is often called on by chairmen, presidents, and senior executives from major American corporations and universities for his respected business views on national and international issues, such as dangerous foreign product imports. Mr. Lanier is also frequently asked to instruct other attorneys about his trial techniques in seminars held across the nation. Mr. Lanier is also the founder of the Christian Trial Lawyers Association, a nonprofit

organization whose goal is to create a network of principled attorneys to minister to others through civic-minded endeavors.

WHEREFORE, W. Mark Lanier respectfully requests appointment to the Plaintiffs' Steering Committee of the Chantix (Varenicline) Products Liability Litigation, MDL Docket No. 2092.

Respectfully submitted,

LANIER LAW FIRM, PLLC

A handwritten signature in black ink, appearing to read 'W. Mark Lanier', is positioned above a horizontal line.

W. Mark Lanier, Esq.

Tower 56

126 East 56th Street, 6th Floor

New York, NY 10022

(212) 421-2800 (phone)/ 2878 (fax)

WML@lanierlawfirm.com



Simmons Browder Gianaris Angelides & Barnerd LLC

January 8, 2010

Honorable Inge P. Johnson
Judge, U.S. District Court
Northern District of Alabama
Birmingham Division
Hugo L. Black U. S. Courthouse
1729 Fifth Avenue North
Birmingham, AL 35203

In Re: Chantix (Varenicline) Products Liability Litigation
Master Case No. 2:09-cv-2039

Dear Judge Johnson:

Please accept this correspondence as my Application for Appointment to be a member of the Plaintiffs' Steering Committee in the above-referenced matter. I am an attorney with the firm of Simmons Browder Gianaris Angelides & Barnerd, LLC, a personal injury firm handling mass tort litigation with offices in St. Louis, Missouri, Chicago, Illinois, East Alton, Illinois, Los Angeles, California and Carrollton, Georgia. My firm currently has 5 Chantix cases pending in this MDL with approximately 300 additional cases under contract. I expect we will have 400-500 cases on file in this matter before litigation is concluded.

I am currently licensed to practice law in the states of Alabama, Georgia, and Florida. Having been heavily involved in complex pharmaceutical litigation throughout the course of my career, I have handled cases in various multi-district litigations, including the Bextra and Celebrex, Vioxx, Trasyolol, Yasmin/Yaz, Avandia, Ortho Evra, Gadolinium Contrast Dye, Baycol and Ephedra MDL's. In the Ephedra litigation, I served as the plaintiffs' mediation liaison in a Nutraquest test case which ultimately led to a \$35 million settlement for all plaintiffs pending in that litigation. I am currently helping to lead the charge for plaintiffs in the Trasyolol litigation, taking a significant role in taking discovery and expert depositions both domestically and abroad.

I have never been sanctioned by a court or bar association for any professional or ethical breach. I have consistently demonstrated my ability to work in a spirit of cooperation and have, in fact, done so in the Bextra and Celebrex MDL with many of the attorneys certain to be involved in this litigation on behalf of the defendant, Pfizer.

www.simmonsfirm.com

Headquarters

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312 759 7516 f

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100 N. Sepulveda Blvd. 310 322 3555 p
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El Segundo, CA 90245



Simmons Browder Gianaris Angelides & Barnerd, LLC is a law firm of over 40 attorneys helping individuals in the areas of pharmaceutical personal injury, mesothelioma and asbestos litigation. In addition to my leadership positions referenced above, members of my firm serve or have served on Plaintiffs' Steering Committees or sub-committees including the Yasmin/Yaz and Ephedra MDL's. We have dedicated substantial time and resources to many of the litigations referenced above and, if given the opportunity, intend to do so here.

It would be my honor to be selected by this Court to serve as a member of the Plaintiffs' Steering Committee for the Chantix (Varenicline) Products Liability Litigation. We have the resources, experience, willingness, and availability to commit to this important project. As such, I can assure the Court that I am well qualified to serve on the Plaintiffs' Steering Committee.

Respectfully,

David F. Miceli
Attorney



January 5, 2010

Honorable Inge Prytz Johnson
Judge, U.S. District Court
Northern District of Alabama, Southern Division
1729 Fifth Avenue North
Birmingham, AL 35203

RE: MDL No. 2092 - Chantix (Varenicline) Products Liability Litigation
Northern District of Alabama, Southern Division
Master File No.: 2:09-CV-2039-IPJ
Application Of David S. Ratner For Appointment To Plaintiffs' Steering Committee

Dear Judge Johnson:

Please consider this letter as my Application for appointment to the Plaintiffs' Steering Committee in the above referenced MDL. I am managing partner of Morelli Ratner PC and have 35 years of litigation experience. Since my admission to practice in New York in 1974, I have litigated and tried cases in New York State and Federal Courts as well as other courts throughout the country. I have served as a special master in the Supreme Court, New York County, and as an arbitrator in the U.S. District Court for the Eastern District of New York. I have lectured on various aspects of trial practice at Fordham Law School, and for the New York State Trial Lawyers where I serve as a Dean of its CLE program, member of the board of directors and editor-in-chief of its quarterly publication.

I have extensive experience litigating pharmaceutical matters. I previously served on the Plaintiffs' Steering Committee in the New York Bextra and Celabrex coordinated proceeding and the Bausch & Lomb MoistureLoc MDL in South Carolina. In connection with the B&L MoistureLoc MDL, I was asked, had the case not settled, to serve as lead trial attorney for the Bellweather cases. My firm is active in the Avandia MDL in the Eastern District of Pennsylvania and our founding partner, Benedict P. Morelli, was appointed to the Avandia PSC. Mr. Morelli also was appointed to the Levaquin PSC in New Jersey. My firm was involved in the Vioxx litigation in State Court in New Jersey, the Fosamax litigation in the Southern District of New York and the Ortho Evra litigation in State Court in New Jersey. Finally, my firm is one of four firms presently involved in the Raptiva litigation in State Court in California. In connection with the foregoing litigations, we have in the past and now are reviewing documents, conducting depositions, attending court conferences, meeting with other plaintiffs' counsel and our adversaries, and generally contributing to work the necessary to move the cases forward.

Benedict P. Morelli
David S. Ratner

950 Third Avenue New York, NY 10022 • ph 212.751.9800 • fx 212.751.0046 • tf 877.751.9800 • www.morellilaw.com

EXHIBIT M



My firm currently represents approximately 300 Chantix clients with whom we have contingency retainer agreements. To the extent we perform work for the common benefit of the litigation, we would hope the Court would approve reasonable compensation for the work that we and all others perform.

In the past, I have worked closely with H. Blair Hahn, Esq. and Ernest Cory, Esq. on the B&L MoistureLoc MDL. I have also worked with Richard D. Meadow, Esq. and his firm in connection with the Vioxx and Levaquin litigations. I have agreed to commit the financial and personnel resources of my firm to the fullest extent possible in the Chantix litigation. Although I have no formal agreements with anyone to serve on the Plaintiffs' Steering Committee for the above referenced MDL or to receive compensation for that role, I have discussed my involvement with Mr. Hahn and Mr. Cory who, I understand, welcome my presence and commitment.

I have never been sanctioned by a court or bar association for any professional or ethical breach or otherwise. Historically, and in this case, I have consistently demonstrated my ability to work in coordination with others for the common benefit of the litigation.

I would be honored if the Court chose me to serve on the Plaintiffs' Steering Committee for the Chantix MDL. I have the resources, willingness and time to commit to this important litigation. From my previous experience serving on Plaintiffs' Steering Committees, I can assure the Court that I am qualified to serve in this role. Therefore, I respectfully seek Your Honor's appointment.

Respectfully,

A handwritten signature in black ink, appearing to read 'David S. Ratner', with a long horizontal flourish extending to the right.

David S. Ratner

LAW OFFICES

HARE, WYNN, NEWELL AND NEWTON, LLP

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100 years

January 7, 2010

ALEX W. NEWTON
TERRELL WYNN
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ALVA C. CAINE
JOHN W. HALEY
D. LEON ASHFORD
SCOTT A. POWELL
JAMES R. PRATT, III
STEPHEN SHAY SAMPLES
BRUCE J. McKEE
MICHAEL D. ERMERT
NOLAN E. AWBREY*
DON McKENNA
MATTHEW C. MINNER
JAMES R. MONCUS, III***
S. HUGHSTON NICHOLS

*ALSO LICENSED IN GEORGIA
**LICENSED IN ARKANSAS
***ALSO LICENSED IN TENNESSEE

RALPH D. COOK
PAUL BYRD**

OF COUNSEL

FRANCIS H. HARE
(1904-1983)
CARLTON T. WYNN
(1917-2002)
NEAL C. NEWELL
(1920-2005)
RAY O. NOOJIN, JR.
(1945-1996)
JAMES O. HALEY
(1912-2002)

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Honorable Inge P. Johnson
United States District Court
Northern District of Alabama
Hugo Black United States Courthouse
1729 5th Avenue North
Birmingham, AL 35203

RE: *In re: Chantix Products Liability Litigation - MDL 2092*
Application for Appointment To Plaintiffs' Steering Committee

Dear Judge Johnson:

Please accept this correspondence as my application for appointment to the Plaintiffs' Steering Committee in the above-referenced matter. I am a partner in the firm of Hare Wynn Newell & Newton, LLP, the oldest plaintiff's law firm in the state of Alabama. I have been practicing law for over 33 years. I have tried approximately 300 jury trials throughout Alabama, as well as complicated civil cases in the Federal Courts of Georgia, Florida and Mississippi. Although I have handled cases involving most areas of civil trial litigation and tort liability, I have dedicated my practice primarily to the representation of victims and victims' families of medical malpractice and healthcare negligence. This area of specialization comprises approximately 90% of my current practice. Most of the cases involve catastrophic injuries, brain damage, and death. I have been the recipient of numerous million/mult-million dollar verdicts and settlements throughout Alabama. Many of these verdicts and settlements continue to be the largest amounts ever obtained in their respective jurisdictions. I have also successfully handled pharmaceutical cases involving dangerous and defective drugs.

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I have been active in local, state, regional, and national bar associations. I am a member of the Birmingham Bar Association where I have served as a member of the following committees: Grievance and Disciplinary, Executive, the Civil Courts, the Judicial Liaison, Nominating, Public Relations and Medical Liaison. I have been chairman of many of these committees. I was elected President of the Birmingham Bar Association in 2000. I have also been on the Board of Directors of the Legal Aid Society and the Birmingham Bar Foundation.

I am a member of the Alabama State Bar. I have been inducted as a Fellow in the Alabama Law Foundation, where membership is restricted to only 1% of lawyers in the state. I am on the Executive Committee of the Alabama Association for Justice as well as a member of the American Association for Justice. I am a member of the Southern Trial Lawyers Association. I am also a member of the American Bar Association and have served as a state delegate.

I am licensed to practice in the State and Federal Courts of Alabama, as well as the U.S. Court of Appeals in both the 5th and 11th Circuits, the U.S. Court of Federal Claims, and the U.S. Supreme Court.

I have been inducted as a fellow in the International Academy of Trial Lawyers (limited to 500 members worldwide). I was also selected as an Advocate in the American Board of Trial Advocates having served as a President of the Alabama Chapter in 2003. I am also a Senior Counsel member of the American College of Barristers, a Diplomat of the International Academy of Litigators, a Fellow of the Roscoe Pound Institute and a Fellow in the International Society of Lawyers for Public Service, and Senior Counsel (Queen's Counsel), in the College of Master Advocates and Barristers. I have also been selected as a member of The American Trial Lawyers Association, as one of the top 100 Trial Lawyers in the state of Alabama.

I am certified by the Marquis Who's Who Publication Board as Who's Who in American Law and Who's Who in the World. I am a life member of the National Registry of Who's Who. I have been selected by my peers as one of The Best Lawyers in America, a national publication. I was recently named by the inaugural 2008 edition of Alabama Super Lawyers as one of the top attorneys in the State of Alabama, and I was also named in the 2009 and 2010 editions. My peers have also voted me to receive

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an AV rating by Martindale-Hubbell.

Hare Wynn has 19 lawyers with offices located in Birmingham and Little Rock. Past cases of note include the following:

ATV Litigation

The firm participated in the organization of the group which was formed to assist plaintiffs' counsel handling these cases. One member served as national co-chair of the ATV Litigation Support Group.

Breast Implant Litigation

In 1992, when the silicone gel breast implant cases in the federal court system were consolidated into a single multi-district proceeding, one of the firms members was appointed co-liaison.

Dalkon Shield

Hare Wynn helped form the Dalkon Shield Litigation support group, and maintained an active role in the group's activities before, during, and after the transfer of the litigation to the Multi-district Panel.

Dealer Antitrust Litigation

Hare Wynn represented more than 80 gas station owners throughout the Southeastern United States against major oil companies on claims of state and federal price discrimination.

False Claims Act Litigation

Hare Wynn has expanded it's areas of practice into the field of False Claims Act litigation. The firm served as co-lead counsel in one of the largest False Claims Act cases ever filed - U.S. ex rel Johnson v. Shell. The whistle blowers in Johnson alleged 18 of the largest oil companies in the world systematically underpaid oil royalties to the United States. The joint prosecution of the lawsuit by the whistle blowers and the United States has resulted in settlements totaling hundreds of millions of dollars and one of the largest False Claims Act recoveries in history.

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HealthSouth/Richard Scrushy Litigation

The firm also recently successfully handled the litigation against Richard Scrushy, resulting in a verdict of \$2.876 billion in favor of derivative stockholders. The firm had previously settled a claim against UBS for \$133 Million.

The firm is currently representing 1400 Arkansas Rice farmers in a suit against Bayer Cropscience and others with claims of negligence, fraudulent concealment, ultra hazardous activity, strict liability, and breach of contract. The firm previously resolved a case against Tyson Foods for \$42.5 Million Dollars on behalf of a large group of hog farmers in Arkansas. Hare Wynn is also currently providing representation to 100 chicken farmers in a claim against Pilgrims Pride.

The firm also has extensive litigation experience in products liability litigation involving a broad range of defective products, as well as aviation litigation. The firm has also been actively involved in numerous class actions and multi-plaintiff cases throughout the U.S.

Your consideration is greatly appreciated . Respectfully submitted,

Very truly yours,

HARE WYNN NEWELL & NEWTON

By: 
S. Shay Samples

SSS/kt

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January 7, 2010

The Honorable Inge Prytz Johnson
U.S. District Judge
United States District Court
Hugo L. Black U. S. Courthouse
1729 Fifth Avenue North
Birmingham, AL 35203

Re: Chantix (Varenicline) Products Liability Litigation (MDL-2092)

Dear Judge Johnson:

I respectfully submit this Application for my appointment to the Plaintiffs' Executive Committee in MDL No. 2092. I look forward to the opportunity to serve for the common benefit of Chantix plaintiffs, and certify that I will personally commit my time and energy, and that of my firm, to this litigation.

My firm is counsel in eight Chantix cases filed in federal court, seven of which are pending in this MDL. We have many more cases under retainer. The Chantix litigation is a team effort for my firm. Our firm's 251 lawyers, and a support staff of paralegals, nurses, investigators and computer specialists, provide a depth of resources to support this litigation. We have devoted two partners (myself and Gary Wilson), three associates, three nurses, two paralegals and additional litigation support personnel to this litigation.

My firm represents plaintiffs in complex and coordinated litigation in federal and state courts across the nation in the substantive areas of defective product design, manufacture, and marketing; financial fraud; unfair trade practices; intellectual property infringement; and civil rights violations. We take products liability cases to trial. In 2009, we received an \$8.3 million dollar verdict, including punitive damages, in *Charbonneau v. Pfizer, Inc. et al.*. In 2009, a jury returned a \$7.4 million verdict against Cirrus. My experience and my firm's experience in complex, multi-district pharmaceutical litigation is detailed below.

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I have MDL leadership experience. I am Lead Counsel and Liaison Counsel in *In re Mirapex Products Liability Litigation*, MDL No. 1836 and co-chaired the first Mirapex bellwether trial that resulted in an \$8.3 million verdict for the plaintiffs in July, 2008. Mirapex is a popular Parkinson's medication marketed by Boehringer Ingelheim and Pfizer that can cause compulsive behaviors, including compulsive gambling, through activation of dopamine receptors in the reward center of the brain. I also tried a second Mirapex bellwether trial which confidentially settled prior to closing argument, leading to the settlement of virtually every Mirapex case pending in the MDL. I also served on the Science and Discovery Committees in the Vioxx MDL and was responsible, along with Gary Wilson of my firm, with coordinating the legal challenges to Merck's claims of attorney-client privilege.

My firm has also served on MDL plaintiff steering committee's in the Bhopal Gas Leak Disaster, Gammagard, Omniflox and L-Tryptophan cases. In the Dalkon Shield Litigation, RKMC conducted breakthrough discovery that led to establishment of the Dalkon Shield Trust.

My firm also prosecuted the Minnesota Tobacco Litigation—the only case brought by a state for recoupment of smoking health care costs where significant document discovery was conducted and ultimately was tried to a jury. I was on the trial team in that case and managed significant portions of the pre-trial litigation. Former Surgeon General C. Everett Koop called document discovery in the Minnesota tobacco litigation “one of the most significant public health achievement of the second half of the 20th century.” In May 1998, after four months of trial and on the day of the submission to the jury, our tobacco case settled for wide-ranging injunctive relief and more than \$6.6 billion, establishing the highest per capita award of any state. For my work on the Minnesota tobacco litigation, I was named, along with my colleagues, Trial Lawyer of the Year by the Minnesota Association for Justice.

I am a 1992 graduate of University of Iowa School of Law. I have been an attorney at Robins, Kaplan, Miller & Ciresi LLP since 1992 and a partner at the firm since 1999. I am currently admitted to practice before all Minnesota state courts, the United States District Court for Minnesota, and the United States Courts of Appeal for the Eighth and Federal Circuits. I am currently the Chair of the firm's Mass Tort practice group. I have lectured and conducted seminars for the Sedona Conference, Minnesota Association for Justice, Iowa Association for Justice and the South Dakota Trial Lawyers Association. I have authored numerous articles on topics related to products liability and mass torts. My legal work has received recognition. In 2009, I was named a “Super Lawyer” and “Top 100 Women Minnesota Super Lawyer.” I received “Newmakers '98” award from the Minnesota Women's Press in recognition of extraordinary action that promotes equality, justice and respect for women and, in 2000, was named “40 under 40” by City Business.

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I am willing and able to commit the time and energy to actively and cooperatively serve on the Plaintiffs' Executive Committee. My firm is also willing and able to commit the necessary personnel and resources to best serve the MDL plaintiffs. I fully recognize, however, that it is my personal commitment that the Court would expect—and that I pledge. I respectfully request that this Court grant my appointment to the Plaintiffs' Executive Committee.

Sincerely,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

/s/ Tara D. Sutton

Tara D. Sutton

TDS/ddl

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January 8, 2010

The Honorable Inge Prytz Johnson
U.S. District Judge
Northern District of Alabama
Southern Division
361 Hugo L. Black U.S. Courthouse
1729 5th Avenue North
Birmingham, Alabama 35203

Re: In re Chantix (Varenicline) Products Liability Litigation (MDL-2092)

Dear Judge Johnson,

I respectfully submit this application for appointment as a member of the Chantix Plaintiff's Steering Committee. I am a member of the Alabama Bar, working in my firm's Fairhope office, and am willing and available to commit substantial time to this litigation. My firm presently has 3 Chantix cases we are filing and which will be transferred to this Court. We are in the process of reviewing approximately 30 other Chantix cases.

I have over 20 years experience in civil litigation and have litigated cases involving products liability, wrongful death and personal injury in Alabama, Florida, Mississippi, Georgia, Tennessee and other states around the country. I have tried numerous cases and have received substantial verdicts.

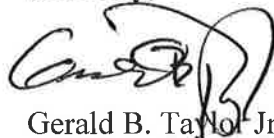
I am a graduate of The University of Alabama School of Law and a founding partner of my firm. I am a current member of the Executive Committee of the Alabama Association for Justice. I have lectured and taught seminars for the American Association of Justice, the Alabama, Georgia, Mississippi and Arkansas Associations for Justice as well as for Mealey Publications and PESI. In addition to the Alabama Bar, I am admitted to the state bars of Florida, Mississippi, Tennessee and Texas.

I have substantial experience in multi-district litigation. I was appointed a member of the Plaintiff's Steering Committee for the Bextra/Celebrex Products Liability Litigation, MDL No. 1699 (N.D. Ca.) and I was also appointed a member of the Plaintiff's Steering Committee for the Fosamax Products Liability Litigation, MDL No. 1789 (S.D.N.Y.). In the Bextra/Celebrex MDL I was a member of the Trial Team, the Science Committee and the Discovery Committee and was responsible for taking many depositions of key Pfizer employees. I also prepared and presented experts for deposition on behalf of the PSC and took the depositions of Pfizer experts in the United States and the United Kingdom. I presented experts on behalf of the Plaintiff's Steering Committee at the Daubert Hearing before Judge Breyer, and the State Court Judges from New York and New Jersey, Judge Kornreich and Judge Higbee, and cross-examined Pfizer's only witness at the hearing.

I have also been involved in the Trasyol Products Liability Litigation, MDL 1928 (S.D. Fl.), where I am a member of the Discovery Committee and have taken the depositions of key Bayer employees in the United States and in the Netherlands. I and my partner, Paul Sizemore, have been involved in the Avandia Products Liability Litigation, MDL 1871 (E.D. Pa.) where I am a member of the Science and Experts Committee. Mr. Sizemore is on the Avandia Plaintiff's Steering Committee, is the Chair of the Science Committee, will be presenting on behalf of the PSC at the Daubert Hearing, and is on the Trial Team for the first MDL Avandia trial. Mr. Sizemore and I were also involved in the Vioxx Products Liability Litigation, MDL 1657 (E.D. La.) and Mr. Sizemore was on the trial team for two of the Vioxx trials.

I and my firm have the experience and resources necessary to meaningfully contribute to and work with the other members of the Plaintiff's Executive and Steering Committees in this litigation. For these reasons I request that the Court grant my appointment to the Plaintiff's Steering Committee.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerald B. Taylor Jr.", with a stylized flourish at the end.

Gerald B. Taylor Jr.
jerry@sizemoretaylor.net